

FILING
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1 DIVISION E—DEPARTMENT OF HOMELAND

2 SECURITY APPROPRIATIONS ACT, 2008

3 TITLE I

4 DEPARTMENT OF HOMELAND SECURITY

5 DEPARTMENTAL MANAGEMENT AND

6 OPERATIONS

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 For necessary expenses of the Office of the Secretary
10 of Homeland Security, as authorized by section 102 of the
11 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
12 tive management of the Department of Homeland Secu-
13 rity, as authorized by law, \$97,353,000: *Provided*, That
14 not to exceed \$40,000 shall be for official reception and
15 representation expenses: *Provided further*, That
16 \$15,000,000 shall not be available for obligation until the
17 Secretary (1) certifies and reports to the Committees on
18 Appropriations of the Senate and the House of Represent-
19 atives that the Department has revised Departmental
20 guidance with respect to relations with the Government
21 Accountability Office to specifically provide for: (a) exped-
22 ited timeframes for providing the Government Account-
23 ability Office with access to records within 20 days from
24 the date of request; (b) expedited timeframes for inter-
25 views of program officials by the Government Account-

1 ability Office after reasonable notice has been furnished
2 to the Department by the Government Accountability Of-
3 fice; and (c) a significant streamlining of the review proc-
4 ess for documents and interview requests by liaisons, coun-
5 sel, and program officials, consistent with the objective
6 that the Government Accountability Office be given timely
7 and complete access to documents and agency officials;
8 and (2) defines in a memorandum to all Department em-
9 ployees the roles and responsibilities of the Department
10 of Homeland Security Inspector General: *Provided further,*
11 That the Secretary shall make the revisions to Depart-
12 mental guidance with respect to relations with the Govern-
13 ment Accountability Office in consultation with the Comp-
14 troller General of the United States and issue depart-
15 mental guidance with respect to relations with the Depart-
16 ment of Homeland Security Inspector General in consulta-
17 tion with the Inspector General: *Provided further,* That
18 not more than seventy-five percent of the funds provided
19 under this heading shall be obligated prior to the submis-
20 sion of the first quarterly report on progress to improve
21 and modernize efforts to remove criminal aliens judged de-
22 portable from the United States.

23 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

24 For necessary expenses of the Office of the Under
25 Secretary for Management, as authorized by sections 701

1 through 705 of the Homeland Security Act of 2002 (6
2 U.S.C. 341 through 345), \$150,238,000, of which not to
3 exceed \$3,000 shall be for official reception and represen-
4 tation expenses: *Provided*, That of the total amount,
5 \$6,000,000 shall remain available until expended solely for
6 the alteration and improvement of facilities, tenant im-
7 provements, and relocation costs to consolidate Depart-
8 ment headquarters operations.

9 OFFICE OF THE CHIEF FINANCIAL OFFICER

10 For necessary expenses of the Office of the Chief Fi-
11 nancial Officer, as authorized by section 103 of the Home-
12 land Security Act of 2002 (6 U.S.C. 113), \$31,300,000.

13 OFFICE OF THE CHIEF INFORMATION OFFICER

14 For necessary expenses of the Office of the Chief In-
15 formation Officer, as authorized by section 103 of the
16 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
17 partment-wide technology investments, \$295,200,000; of
18 which \$81,000,000 shall be available for salaries and ex-
19 penses; and of which \$214,200,000, to remain available
20 until expended, shall be available for development and ac-
21 quisition of information technology equipment, software,
22 services, and related activities for the Department of
23 Homeland Security, of which not less than \$36,800,000
24 shall be available, as requested in the President's Fiscal
25 Year 2008 Budget, for Department of Homeland Security

1 data center development and an additional \$35,500,000
2 shall be available for further construction of the National
3 Center for Critical Information Processing and Storage:
4 *Provided*, That none of the funds appropriated shall be
5 used to support or supplement the appropriations provided
6 for the United States Visitor and Immigrant Status Indi-
7 cator Technology project or the Automated Commercial
8 Environment: *Provided further*, That the Chief Informa-
9 tion Officer shall submit to the Committees on Appropria-
10 tions of the Senate and the House of Representatives, not
11 more than 60 days after the date of enactment of this
12 Act, an expenditure plan for all information technology ac-
13 quisition projects that: (1) are funded under this heading;
14 or (2) are funded by multiple components of the Depart-
15 ment of Homeland Security through reimbursable agree-
16 ments: *Provided further*, That such expenditure plan shall
17 include each specific project funded, key milestones, all
18 funding sources for each project, details of annual and
19 lifecycle costs, and projected cost savings or cost avoidance
20 to be achieved by the project.

21 ANALYSIS AND OPERATIONS

22 (INCLUDING RESCISSION OF FUNDS)

23 For necessary expenses for information analysis and
24 operations coordination activities, as authorized by title II
25 of the Homeland Security Act of 2002 (6 U.S.C. 121 et

1 seq.), \$306,000,000, to remain available until September
2 30, 2009, of which not to exceed \$5,000 shall be for offi-
3 cial reception and representation expenses: *Provided*, That
4 of the amounts made available under this heading in Pub-
5 lic Law 109-295, \$8,700,000 are rescinded.

6 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
7 COAST REBUILDING

8 For necessary expenses of the Office of the Federal
9 Coordinator for Gulf Coast Rebuilding, \$2,700,000: *Pro-*
10 *vided*, That \$1,000,000 shall not be available for obliga-
11 tion until the Committees on Appropriations of the Senate
12 and the House of Representatives receive an expenditure
13 plan for fiscal year 2008.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978 (5 U.S.C. App.), \$92,711,000, of
18 which not to exceed \$150,000 may be used for certain con-
19 fidential operational expenses, including the payment of
20 informants, to be expended at the direction of the Inspec-
21 tor General.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 SALARIES AND EXPENSES

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, and agricul-
8 tural inspections and regulatory activities related to plant
9 and animal imports; purchase and lease of up to 4,500
10 (2,300 for replacement only) police-type vehicles; and con-
11 tracting with individuals for personal services abroad;
12 \$6,802,560,000, of which \$3,093,000 shall be derived
13 from the Harbor Maintenance Trust Fund for administra-
14 tive expenses related to the collection of the Harbor Main-
15 tenance Fee pursuant to section 9505(c)(3) of the Internal
16 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
17 withstanding section 1511(e)(1) of the Homeland Security
18 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
19 \$45,000 shall be for official reception and representation
20 expenses; of which not less than \$226,740,000 shall be
21 for Air and Marine Operations; of which \$13,000,000
22 shall be used to procure commercially available technology
23 in order to expand and improve the risk-based approach
24 of the Department of Homeland Security to target and
25 inspect cargo containers under the Secure Freight Initia-

1 tive and the Global Trade Exchange; of which such sums
2 as become available in the Customs User Fee Account, ex-
3 cept sums subject to section 13031(f)(3) of the Consoli-
4 dated Omnibus Budget Reconciliation Act of 1985 (19
5 U.S.C. 58c(f)(3)), shall be derived from that account; of
6 which not to exceed \$150,000 shall be available for pay-
7 ment for rental space in connection with preclearance op-
8 erations; and of which not to exceed \$1,000,000 shall be
9 for awards of compensation to informants, to be accounted
10 for solely under the certificate of the Secretary of Home-
11 land Security: *Provided*, That of the amount provided
12 under this heading, \$323,000,000 is designated as de-
13 scribed in section 5 (in the matter preceding division A
14 of this consolidated Act): *Provided further*, That for fiscal
15 year 2008, the overtime limitation prescribed in section
16 5(c)(1) of the Act of February 13, 1911 (19 U.S.C.
17 267(c)(1)) shall be \$35,000; and notwithstanding any
18 other provision of law, none of the funds appropriated by
19 this Act may be available to compensate any employee of
20 U.S. Customs and Border Protection for overtime, from
21 whatever source, in an amount that exceeds such limita-
22 tion, except in individual cases determined by the Sec-
23 retary of Homeland Security, or the designee of the Sec-
24 retary, to be necessary for national security purposes, to
25 prevent excessive costs, or in cases of immigration emer-

1 agencies: *Provided further*, That of the amount made avail-
2 able under this heading, \$202,816,000 shall remain avail-
3 able until September 30, 2009, to support software devel-
4 opment, equipment, contract services, and the implemen-
5 tation of inbound lanes and modification to vehicle pri-
6 mary processing lanes at ports of entry; of which
7 \$100,000 is to promote information and education ex-
8 change with nations friendly to the United States in order
9 to promote sharing of best practices and technologies re-
10 lating to homeland security, as authorized by section 879
11 of Public Law 107-296; and of which \$75,000,000 may
12 not be obligated until the Committees on Appropriations
13 of the Senate and the House of Representatives receive
14 a report not later than 120 days after the date of enact-
15 ment of this Act on the preliminary results of testing of
16 pilots at ports of entry used to develop and implement the
17 plan required by section 7209(b)(1) of the Intelligence Re-
18 form and Terrorism Prevention Act of 2004 (Public Law
19 108-458; 8 U.S.C. 1185 note), which includes the fol-
20 lowing information: (1) infrastructure and staffing re-
21 quired, with associated costs, by port of entry; (2) updated
22 milestones for plan implementation; (3) a detailed expla-
23 nation of how requirements of such section have been sat-
24 isfied; (4) confirmation that a vicinity-read radio fre-
25 quency identification card has been adequately tested to

1 ensure operational success; and (5) a description of steps
2 taken to ensure the integrity of privacy safeguards.

3 AUTOMATION MODERNIZATION

4 For expenses for U.S. Customs and Border Protec-
5 tion automated systems, \$476,609,000, to remain avail-
6 able until expended, of which not less than \$316,969,000
7 shall be for the development of the Automated Commercial
8 Environment: *Provided*, That of the total amount made
9 available under this heading, \$216,969,000 may not be ob-
10 ligated for the Automated Commercial Environment pro-
11 gram until 30 days after the Committees on Appropria-
12 tions of the Senate and the House of Representatives re-
13 ceive a report on the results to date and plans for the
14 program from the Department of Homeland Security that
15 includes:

16 (1) a detailed accounting of the program's
17 progress up to the date of the report in meeting
18 prior commitments made to the Committees relative
19 to system capabilities or services, system perform-
20 ance levels, mission benefits and outcomes, mile-
21 stones, cost targets, and program management capa-
22 bilities;

23 (2) an explicit plan of action defining how all
24 funds are to be obligated to meet future program
25 commitments, with the planned expenditure of funds
26 linked to the milestone-based delivery of specific ca-

1 pabilities, services, performance levels, mission bene-
2 fits and outcomes, and program management capa-
3 bilities;

4 (3) a listing of all open Government Account-
5 ability Office and Office of Inspector General rec-
6 ommendations related to the program, with the sta-
7 tus of the Department's efforts to address the rec-
8 ommendations, including milestones for fully ad-
9 dressing them;

10 (4) a certification by the Chief Procurement Of-
11 ficer of the Department that the program has been
12 reviewed and approved in accordance with the in-
13 vestment management process of the Department,
14 and that the process fulfills all capital planning and
15 investment control requirements and reviews estab-
16 lished by the Office of Management and Budget, in-
17 cluding Circular A-11, part 7, as well as supporting
18 analyses generated by and used in the Department's
19 process;

20 (5) a certification by the Chief Information Of-
21 ficer of the Department that an independent valida-
22 tion and verification agent has and will continue to
23 actively review the program;

24 (6) a certification by the Chief Information Of-
25 ficer of the Department that the system architecture

1 of the program is sufficiently aligned with the infor-
2 mation systems enterprise architecture of the De-
3 partment to minimize future rework, including a de-
4 scription of all aspects of the architectures that were
5 and were not assessed in making the alignment de-
6 termination, the date of the alignment determina-
7 tion, any known areas of misalignment along with
8 the associated risks and corrective actions to address
9 any such areas;

10 (7) a certification by the Chief Information Of-
11 ficer of the Department that the program has a risk
12 management process that regularly and proactively
13 identifies, evaluates, mitigates, and monitors risks
14 throughout the system life cycle, and communicates
15 high-risk conditions to U.S. Customs and Border
16 Protection and Department of Homeland Security
17 investment decision makers, as well as a listing of
18 the program's high risks and the status of efforts to
19 address them;

20 (8) a certification by the Chief Procurement Of-
21 ficer of the Department that the plans for the pro-
22 gram comply with the Federal acquisition rules, re-
23 quirements, guidelines, and practices, and a descrip-
24 tion of the actions being taken to address areas of
25 non-compliance, the risks associated with them along

1 with any plans for addressing these risks and the
2 status of their implementation; and

3 (9) a certification by the Chief Human Capital
4 Officer of the Department that the human capital
5 needs of the program are being strategically and
6 proactively managed, and that current human cap-
7 ital capabilities are sufficient to execute the plans
8 discussed in the report.

9 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
10 TECHNOLOGY

11 For expenses for customs and border protection fenc-
12 ing, infrastructure, and technology, \$1,225,000,000, to re-
13 main available until expended: *Provided*, That of the
14 amount provided under this heading, \$1,053,000,000 is
15 designated as described in section 5 (in the matter pre-
16 ceding division A of this consolidated Act): *Provided fur-*
17 *ther*, That of the amount provided under this heading,
18 \$650,000,000 shall not be obligated until the Committees
19 on Appropriations of the Senate and the House of Rep-
20 resentatives receive and approve a plan for expenditure,
21 prepared by the Secretary of Homeland Security and sub-
22 mitted within 90 days after the date of enactment of this
23 Act, for a program to establish a security barrier along
24 the borders of the United States of fencing and vehicle
25 barriers, where practicable, and other forms of tactical in-
26 frastructure and technology, that includes:

1 (1) a detailed accounting of the program's
2 progress to date relative to system capabilities or
3 services, system performance levels, mission benefits
4 and outcomes, milestones, cost targets, program
5 management capabilities, identification of the max-
6 imum investment (including lifecycle costs) required
7 by the Secure Border Initiative network or any suc-
8 cessor contract, and description of the methodology
9 used to obtain these cost figures;

10 (2) a description of how activities will further
11 the objectives of the Secure Border Initiative, as de-
12 fined in the Secure Border Initiative multi-year stra-
13 tegic plan, and how the plan allocates funding to the
14 highest priority border security needs;

15 (3) an explicit plan of action defining how all
16 funds are to be obligated to meet future program
17 commitments, with the planned expenditure of funds
18 linked to the milestone-based delivery of specific ca-
19 pabilities, services, performance levels, mission bene-
20 fits and outcomes, and program management capa-
21 bilities;

22 (4) an identification of staffing (including full-
23 time equivalents, contractors, and detailees) require-
24 ments by activity;

1 (5) a description of how the plan addresses se-
2 curity needs at the Northern Border and the ports
3 of entry, including infrastructure, technology, design
4 and operations requirements;

5 (6) a report on costs incurred, the activities
6 completed, and the progress made by the program in
7 terms of obtaining operational control of the entire
8 border of the United States;

9 (7) a listing of all open Government Account-
10 ability Office and Office of Inspector General rec-
11 ommendations related to the program and the status
12 of Department of Homeland Security actions to ad-
13 dress the recommendations, including milestones to
14 fully address them;

15 (8) a certification by the Chief Procurement Of-
16 ficer of the Department that the program has been
17 reviewed and approved in accordance with the in-
18 vestment management process of the Department,
19 and that the process fulfills all capital planning and
20 investment control requirements and reviews estab-
21 lished by the Office of Management and Budget, in-
22 cluding Circular A-11, part 7;

23 (9) a certification by the Chief Information Of-
24 ficer of the Department that the system architecture
25 of the program is sufficiently aligned with the infor-

1 mation systems enterprise architecture of the De-
2 partment to minimize future rework, including a de-
3 scription of all aspects of the architectures that were
4 and were not assessed in making the alignment de-
5 termination, the date of the alignment determina-
6 tion, and any known areas of misalignment along
7 with the associated risks and corrective actions to
8 address any such areas;

9 (10) a certification by the Chief Procurement
10 Officer of the Department that the plans for the
11 program comply with the Federal acquisition rules,
12 requirements, guidelines, and practices, and a de-
13 scription of the actions being taken to address areas
14 of non-compliance, the risks associated with them
15 along with any plans for addressing these risks, and
16 the status of their implementation;

17 (11) a certification by the Chief Information
18 Officer of the Department that the program has a
19 risk management process that regularly and
20 proactively identifies, evaluates, mitigates, and mon-
21 itors risks throughout the system life cycle and com-
22 municates high-risk conditions to U.S. Customs and
23 Border Protection and Department of Homeland Se-
24 curity investment decisionmakers, as well as a listing

1 of all the program's high risks and the status of ef-
2 forts to address them;

3 (12) a certification by the Chief Human Capital
4 Officer of the Department that the human capital
5 needs of the program are being strategically and
6 proactively managed, and that current human cap-
7 ital capabilities are sufficient to execute the plans
8 discussed in the report;

9 (13) an analysis by the Secretary for each seg-
10 ment, defined as no more than 15 miles, of fencing
11 or tactical infrastructure, of the selected approach
12 compared to other, alternative means of achieving
13 operational control; such analysis should include
14 cost, level of operational control, possible unintended
15 effects on communities, and other factors critical to
16 the decision-making process;

17 (14) a certification by the Chief Procurement
18 Officer of the Department of Homeland Security
19 that procedures to prevent conflicts of interest be-
20 tween the prime integrator and major subcontractors
21 are established and that the Secure Border Initiative
22 Program Office has adequate staff and resources to
23 effectively manage the Secure Border Initiative pro-
24 gram, Secure Border Initiative network contract,
25 and any related contracts, including the exercise of

1 technical oversight, and a certification by the Chief
2 Information Officer of the Department of Homeland
3 Security that an independent verification and valida-
4 tion agent is currently under contract for the
5 projects funded under this heading; and

6 (15) is reviewed by the Government Account-
7 ability Office:

8 *Provided further*, That the Secretary shall report to the
9 Committees on Appropriations of the Senate and the
10 House of Representatives on program progress to date and
11 specific objectives to be achieved through the award of cur-
12 rent and remaining task orders planned for the balance
13 of available appropriations: (1) at least 30 days prior to
14 the award of any task order requiring an obligation of
15 funds in excess of \$100,000,000; and (2) prior to the
16 award of a task order that would cause cumulative obliga-
17 tions of funds to exceed 50 percent of the total amount
18 appropriated: *Provided further*, That of the funds provided
19 under this heading, not more than \$2,000,000 shall be
20 used to reimburse the Defense Acquisition University for
21 the costs of conducting a review of the Secure Border Ini-
22 tiative network contract and determining how and whether
23 the Department is employing the best procurement prac-
24 tices: *Provided further*, That none of the funds under this
25 heading may be obligated for any project or activity for

1 which the Secretary has exercised waiver authority pursu-
2 ant to section 102(c) of the Illegal Immigration Reform
3 and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103
4 note) until 15 days have elapsed from the date of the pub-
5 lication of the decision in the Federal Register.

6 AIR AND MARINE INTERDICTION, OPERATIONS,
7 MAINTENANCE, AND PROCUREMENT

8 For necessary expenses for the operations, mainte-
9 nance, and procurement of marine vessels, aircraft, un-
10 manned aircraft systems, and other related equipment of
11 the air and marine program, including operational train-
12 ing and mission-related travel, and rental payments for
13 facilities occupied by the air or marine interdiction and
14 demand reduction programs, the operations of which in-
15 clude the following: the interdiction of narcotics and other
16 goods; the provision of support to Federal, State, and local
17 agencies in the enforcement or administration of laws en-
18 forced by the Department of Homeland Security; and at
19 the discretion of the Secretary of Homeland Security, the
20 provision of assistance to Federal, State, and local agen-
21 cies in other law enforcement and emergency humani-
22 tarian efforts, \$570,047,000, to remain available until ex-
23 pended: *Provided*, That of the amount provided under this
24 heading, \$94,000,000 is designated as described in section
25 5 (in the matter preceding division A of this consolidated
26 Act): *Provided further*, That no aircraft or other related

1 equipment, with the exception of aircraft that are one of
2 a kind and have been identified as excess to U.S. Customs
3 and Border Protection requirements and aircraft that
4 have been damaged beyond repair, shall be transferred to
5 any other Federal agency, department, or office outside
6 of the Department of Homeland Security during fiscal
7 year 2008 without the prior approval of the Committees
8 on Appropriations of the Senate and the House of Rep-
9 resentatives.

10 CONSTRUCTION

11 For necessary expenses to plan, construct, renovate,
12 equip, and maintain buildings and facilities necessary for
13 the administration and enforcement of the laws relating
14 to customs and immigration, \$348,363,000, to remain
15 available until expended; of which \$39,700,000 shall be
16 for the Advanced Training Center: *Provided*, That of the
17 amount provided under this heading, \$61,000,000 is des-
18 ignated as described in section 5 (in the matter preceding
19 division A of this consolidated Act).

20 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

21 SALARIES AND EXPENSES

22 For necessary expenses for enforcement of immigra-
23 tion and customs laws, detention and removals, and inves-
24 tigation; and purchase and lease of up to 3,790 (2,350
25 for replacement only) police-type vehicles; \$4,687,517,000,
26 of which not to exceed \$7,500,000 shall be available until

1 expended for conducting special operations under section
2 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
3 2081); of which not to exceed \$15,000 shall be for official
4 reception and representation expenses; of which not to ex-
5 ceed \$1,000,000 shall be for awards of compensation to
6 informants, to be accounted for solely under the certificate
7 of the Secretary of Homeland Security; of which not less
8 than \$305,000 shall be for promotion of public awareness
9 of the child pornography tipline and anti-child exploitation
10 activities as requested by the President; of which not less
11 than \$5,400,000 shall be used to facilitate agreements
12 consistent with section 287(g) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1357(g)); and of which not to ex-
14 ceed \$11,216,000 shall be available to fund or reimburse
15 other Federal agencies for the costs associated with the
16 care, maintenance, and repatriation of smuggled illegal
17 aliens: *Provided*, That of the amount provided under this
18 heading, \$516,400,000 is designated as described in sec-
19 tion 5 (in the matter preceding division A of this consoli-
20 dated Act): *Provided further*, That none of the funds made
21 available under this heading shall be available to com-
22 pensate any employee for overtime in an annual amount
23 in excess of \$35,000, except that the Secretary of Home-
24 land Security, or the designee of the Secretary, may waive
25 that amount as necessary for national security purposes

1 and in cases of immigration emergencies: *Provided further*,
2 That of the total amount provided, \$15,770,000 shall be
3 for activities to enforce laws against forced child labor in
4 fiscal year 2008, of which not to exceed \$6,000,000 shall
5 remain available until expended: *Provided further*, That of
6 the total amount provided, not less than \$2,381,401,000
7 is for detention and removal operations: *Provided further*,
8 That of the total amount provided, \$200,000,000 shall re-
9 main available until September 30, 2009, to improve and
10 modernize efforts to identify aliens convicted of a crime,
11 sentenced to imprisonment, and who may be deportable,
12 and remove them from the United States once they are
13 judged deportable: *Provided further*, That none of the
14 funds made available to improve and modernize efforts to
15 identify and remove aliens convicted of a crime, sentenced
16 to imprisonment, and who may be deportable (in this pro-
17 viso referred to as criminal aliens), and remove them from
18 the United States once they are judged deportable, shall
19 be obligated until the Committees on Appropriations of the
20 Senate and the House of Representatives receive a plan
21 for expenditure, prepared by the Secretary of Homeland
22 Security and submitted within 90 days after the date of
23 enactment of this Act, to modernize the policies and tech-
24 nologies used to identify and remove criminal aliens,
25 that—

1 (1) presents a strategy for U.S. Immigration
2 and Customs Enforcement to identify every criminal
3 alien, at the prison, jail, or correctional institution in
4 which they are held;

5 (2) establishes the process U.S. Immigration
6 and Customs Enforcement, in conjunction with the
7 U.S. Department of Justice, will use to make every
8 reasonable effort to remove, upon their release from
9 custody, all criminal aliens judged deportable;

10 (3) presents a methodology U.S. Immigration
11 and Customs Enforcement will use to identify and
12 prioritize for removal criminal aliens convicted of
13 violent crimes;

14 (4) defines the activities, milestones, and re-
15 sources for implementing the strategy and process
16 described in sections (1) and (2); and

17 (5) includes program measurements for
18 progress in implementing the strategy and process
19 described in sections (1) and (2):

20 *Provided further*, That the Secretary of Homeland Secu-
21 rity or a designee of the Secretary shall report to the Com-
22 mittees on Appropriations of the Senate and the House
23 of Representatives, at least quarterly, on progress imple-
24 menting the expenditure plan required in the preceding
25 proviso, and the funds obligated during that quarter to

1 make that progress: *Provided further*, That the funding
2 and staffing resources necessary to carry out the strategy
3 and process described in sections (1) and (2) under this
4 heading shall be identified in the President's fiscal year
5 2009 budget submission to Congress.

6 FEDERAL PROTECTIVE SERVICE

7 The revenues and collections of security fees credited
8 to this account shall be available until expended for nec-
9 essary expenses related to the protection of federally-
10 owned and leased buildings and for the operations of the
11 Federal Protective Service: *Provided*, That the Secretary
12 of Homeland Security and the Director of the Office of
13 Management and Budget shall certify in writing to the
14 Committees on Appropriations of the Senate and the
15 House of Representatives no later than December 31,
16 2007, that the operations of the Federal Protective Service
17 will be fully funded in fiscal year 2008 through revenues
18 and collection of security fees, and shall adjust the fees
19 to ensure fee collections are sufficient to ensure the Fed-
20 eral Protective Service maintains, by July 31, 2008, not
21 fewer than 1,200 full-time equivalent staff and 900 full-
22 time equivalent Police Officers, Inspectors, Area Com-
23 manders, and Special Agents who, while working, are di-
24 rectly engaged on a daily basis protecting and enforcing
25 laws at Federal buildings (referred to as "in-service field
26 staff").

1 AUTOMATION MODERNIZATION

2 For expenses of immigration and customs enforce-
3 ment automated systems, \$30,700,000, to remain avail-
4 able until expended: *Provided*, That of the funds made
5 available under this heading, \$5,000,000 shall not be obli-
6 gated until the Committees on Appropriations of the Sen-
7 ate and the House of Representatives receive a plan for
8 expenditure prepared by the Secretary of Homeland Secu-
9 rity.

10 CONSTRUCTION

11 For necessary expenses to plan, construct, renovate,
12 equip, and maintain buildings and facilities necessary for
13 the administration and enforcement of the laws relating
14 to customs and immigration, \$16,500,000, to remain
15 available until expended: *Provided*, That of the amount
16 provided under this heading, \$10,500,000 is designated as
17 described in section 5 (in the matter preceding division
18 A of this consolidated Act): *Provided further*, That none
19 of the funds made available in this Act may be used to
20 solicit or consider any request to privatize facilities cur-
21 rently owned by the United States Government and used
22 to detain illegal aliens until the Committees on Appropria-
23 tions of the Senate and the House of Representatives re-
24 ceive a plan for carrying out that privatization.

1 TRANSPORTATION SECURITY ADMINISTRATION

2 AVIATION SECURITY

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$4,808,691,000, to remain available until September 30, 2009, of which not to exceed \$10,000 shall be for official reception and representation expenses:

11 *Provided*, That of the total amount made available under this heading, not to exceed \$3,768,489,000 shall be for screening operations, of which \$294,000,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed \$1,009,977,000 shall be for aviation security direction and enforcement: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security:

21 *Provided further*, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase

1 and utilization of emerging technology equipment; the re-
2 furbishment and replacement of current equipment; the
3 installation of surveillance systems to monitor checkpoint
4 activities; the modification of checkpoint infrastructure to
5 support checkpoint reconfigurations; and the creation of
6 additional checkpoints to screen aviation passengers and
7 airport personnel: *Provided further*, That of the amounts
8 provided under this heading, \$30,000,000 may be trans-
9 ferred to the "Surface Transportation Security"; "Trans-
10 portation Threat Assessment And Credentialing"; and
11 "Transportation Security Support" appropriations in this
12 Act for the purpose of implementing regulations and ac-
13 tivities authorized in Implementing Recommendations of
14 the 9/11 Commission Act of 2007 (Public Law 110-53):
15 *Provided further*, That the sum appropriated under this
16 heading from the general fund shall be reduced on a dol-
17 lar-for-dollar basis as such offsetting collections are re-
18 ceived during fiscal year 2008, so as to result in a final
19 fiscal year appropriation from the general fund estimated
20 at not more than \$2,598,466,000: *Provided further*, That
21 any security service fees collected in excess of the amount
22 made available under this heading shall become available
23 during fiscal year 2009: *Provided further*, That Members
24 of the United States House of Representatives and United
25 States Senate, including the leadership; and the heads of

1 Federal agencies and commissions, including the Sec-
2 retary, Under Secretaries, and Assistant Secretaries of the
3 Department of Homeland Security; the United States At-
4 torney General and Assistant Attorneys General and the
5 United States attorneys; and senior members of the Exec-
6 utive Office of the President, including the Director of the
7 Office of Management and Budget; shall not be exempt
8 from Federal passenger and baggage screening.

9 SURFACE TRANSPORTATION SECURITY

10 For necessary expenses of the Transportation Secu-
11 rity Administration related to providing surface transpor-
12 tation security activities, \$46,613,000, to remain available
13 until September 30, 2009.

14 TRANSPORTATION THREAT ASSESSMENT AND
15 CREDENTIALING

16 For necessary expenses for the development and im-
17 plementation of screening programs of the Office of
18 Transportation Threat Assessment and Credentialing,
19 \$82,590,000, to remain available until September 30,
20 2009: *Provided*, That if the Assistant Secretary of Home-
21 land Security (Transportation Security Administration)
22 determines that the Secure Flight program does not need
23 to check airline passenger names against the full terrorist
24 watch list, then the Assistant Secretary shall certify to the
25 Committees on Appropriations of the Senate and the
26 House of Representatives that no significant security risks

1 are raised by screening airline passenger names only
2 against a subset of the full terrorist watch list.

3 TRANSPORTATION SECURITY SUPPORT

4 For necessary expenses of the Transportation Secu-
5 rity Administration related to providing transportation se-
6 curity support and intelligence pursuant to the Aviation
7 and Transportation Security Act (Public Law 107-71;
8 115 Stat. 597; 49 U.S.C. 40101 note), \$523,515,000, to
9 remain available until September 30, 2009: *Provided*,
10 That of the funds appropriated under this heading,
11 \$10,000,000 may not be obligated until the Secretary of
12 Homeland Security submits to the Committees on Appro-
13 priations of the Senate and the House of Representatives
14 detailed expenditure plans for checkpoint support and ex-
15 plosive detection systems refurbishment, procurement, and
16 installations on an airport-by-airport basis for fiscal year
17 2008; and a strategic plan required for checkpoint tech-
18 nologies as described in the joint explanatory statement
19 of managers accompanying the fiscal year 2007 conference
20 report (H. Rept. 109-699): *Provided further*, That these
21 plans shall be submitted no later than 60 days after the
22 date of enactment of this Act.

23 FEDERAL AIR MARSHALS

24 For necessary expenses of the Federal Air Marshals,
25 \$769,500,000.

1 COAST GUARD

2 OPERATING EXPENSES

3 For necessary expenses for the operation and mainte-
4 nance of the Coast Guard not otherwise provided for; pur-
5 chase or lease of not to exceed 25 passenger motor vehi-
6 cles, which shall be for replacement only; minor shore con-
7 struction projects not exceeding \$1,000,000 in total cost
8 at any location; payments pursuant to section 156 of Pub-
9 lic Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and
10 recreation and welfare; \$5,891,347,000, of which
11 \$340,000,000 shall be for defense-related activities; of
12 which \$24,500,000 shall be derived from the Oil Spill Li-
13 ability Trust Fund to carry out the purposes of section
14 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
15 2712(a)(5)); of which not to exceed \$20,000 shall be for
16 official reception and representation expenses; and of
17 which \$3,600,000 shall be for costs to plan and design
18 an expansion to the Operations Systems Center subject
19 to the approval of a prospectus: *Provided*, That none of
20 the funds made available by this or any other Act shall
21 be available for administrative expenses in connection with
22 shipping commissioners in the United States: *Provided*
23 *further*, That none of the funds made available by this Act
24 shall be for expenses incurred for recreational vessels
25 under section 12114 of title 46, United States Code, ex-

1 cept to the extent fees are collected from yacht owners
2 and credited to this appropriation: *Provided further*, That
3 not to exceed 5 percent of this appropriation may be trans-
4 ferred to the "Acquisition, Construction, and Improve-
5 ments" appropriation for personnel compensation and
6 benefits and related costs to adjust personnel assignment
7 to accelerate management and oversight of new or existing
8 projects without detrimentally affecting the management
9 and oversight of other projects: *Provided further*, That the
10 amount made available for "Personnel, Compensation, and
11 Benefits" in the "Acquisition, Construction, and Improve-
12 ments" appropriation shall not be increased by more than
13 10 percent by such transfers: *Provided further*, That the
14 Committees on Appropriations of the Senate and the
15 House of Representatives shall be notified of each transfer
16 within 30 days after it is executed by the Treasury: *Pro-
17 vided further*, That of the amount provided under this
18 heading, \$70,300,000 is designated as described in section
19 5 (in the matter preceding division A of this consolidated
20 Act).

21 ENVIRONMENTAL COMPLIANCE AND RESTORATION

22 For necessary expenses to carry out the environ-
23 mental ~~compliance~~ and restoration functions of the Coast
24 Guard under chapter 19 of title 14, United States Code,
25 \$13,000,000, to remain available until expended.

1 RESERVE TRAINING

2 For necessary expenses of the Coast Guard Reserve,
3 as authorized by law; operations and maintenance of the
4 reserve program; personnel and training costs; and equip-
5 ment and services; \$126,883,000.

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

7 (INCLUDING RESCISSIONS OF FUNDS)

8 For necessary expenses of acquisition, construction,
9 renovation, and improvement of aids to navigation, shore
10 facilities, vessels, and aircraft, including equipment related
11 thereto; and maintenance, rehabilitation, lease and oper-
12 ation of facilities and equipment, as authorized by law;
13 \$1,125,083,000, of which \$20,000,000 shall be derived
14 from the Oil Spill Liability Trust Fund to carry out the
15 purposes of section 1012(a)(5) of the Oil Pollution Act
16 of 1990 (33 U.S.C. 2712(a)(5)); of which \$45,000,000
17 shall be available until September 30, 2012, to acquire
18 repair, renovate, or improve vessels, small boats, and re-
19 lated equipment; of which \$173,100,000 shall be available
20 until September 30, 2010, for other equipment; of which
21 \$40,997,000 shall be available until September 30, 2010,
22 for shore facilities and aids to navigation facilities; of
23 which \$82,720,000 shall be available for personnel com-
24 pensation and benefits and related costs; and of which
25 \$783,266,000 shall be available until September 30, 2012,
26 for the Integrated Deepwater Systems program: *Provided,*

1 That of the funds made available for the Integrated Deep-
2 water Systems program, \$327,416,000 is for aircraft and
3 \$243,400,000 is for surface ships: *Provided further*, That
4 of the amount provided in the preceding proviso for air-
5 craft, \$70,000,000 may not be obligated for the Maritime
6 Patrol Aircraft until the Commandant of the Coast Guard
7 certifies that the mission system pallet Developmental
8 Test and Evaluation of the HC-144A CASA Maritime Pa-
9 trol Aircraft is complete: *Provided further*, That no funds
10 shall be available for procurements related to the acquisi-
11 tion of additional major assets as part of the Integrated
12 Deepwater Systems program not already under contract
13 until an alternatives analysis has been completed by an
14 independent qualified third party: *Provided further*, That
15 \$300,000,000 of the funds provided for the Integrated
16 Deepwater Systems program may not be obligated until
17 the Committees on Appropriations of the Senate and the
18 House of Representatives receive and approve a plan for
19 expenditure directly from the Coast Guard that—

- 20 (1) defines activities, milestones, yearly costs,
21 and lifecycle costs for each procurement of a major
22 asset, including an independent cost estimate for
23 each;

1 (2) identifies lifecycle staffing and training
2 needs of Coast Guard project managers and of pro-
3 curement and contract staff;

4 (3) identifies competition to be conducted in
5 each procurement;

6 (4) describes procurement plans that do not
7 rely on a single industry entity or contract;

8 (5) includes a certification by the Chief Human
9 Capital Officer of the Department that current
10 human capital capabilities are sufficient to execute
11 the plans discussed in the report;

12 (6) contains very limited indefinite delivery/in-
13 definite quantity contracts and explains the need for
14 any indefinite delivery/indefinite quantity contracts;

15 (7) identifies individual project balances by fis-
16 cal year, including planned carryover into fiscal year
17 2009 by project;

18 (8) identifies operational gaps by asset and ex-
19 plains how funds provided in this Act address the
20 shortfalls between current operational capabilities
21 and requirements;

22 (9) includes a listing of all open Government
23 Accountability Office and Office of Inspector Gen-
24 eral recommendations related to the program and
25 the status of Coast Guard actions to address the

1 recommendations, including milestones for fully ad-
2 dressing them;

3 (10) includes a certification by the Chief Pro-
4 curement Officer of the Department that the pro-
5 gram has been reviewed and approved in accordance
6 with the investment management process of the De-
7 partment, and that the process fulfills all capital
8 planning and investment control requirements and
9 reviews established by the Office of Management and
10 Budget, including Circular A-11, part 7;

11 (11) identifies use of the Defense Contract Au-
12 diting Agency;

13 (12) includes a certification by the head of con-
14 tracting activity for the Coast Guard and the Chief
15 Procurement Officer of the Department that the
16 plans for the program comply with the Federal ac-
17 quisition rules, requirements, guidelines, and prac-
18 tices, and a description of the actions being taken to
19 address areas of non-compliance, the risks associated
20 with them along with plans for addressing these
21 risks, and the status of their implementation;

22 (13) identifies the use of independent validation
23 and verification; and

24 (14) is reviewed by the Government Account-
25 ability Office:

1 *Provided further*, That the Secretary of Homeland Secu-
2 rity shall submit to the Committees on Appropriations of
3 the Senate and the House of Representatives, in conjunc-
4 tion with the President's fiscal year 2009 budget, a review
5 of the Revised Deepwater Implementation Plan that iden-
6 tifies any changes to the plan for the fiscal year; an annual
7 performance comparison of Deepwater assets to pre-Deep-
8 water legacy assets; a status report of legacy assets; a de-
9 tailed explanation of how the costs of legacy assets are
10 being accounted for within the Deepwater program; and
11 the earned value management system gold card data for
12 each Deepwater asset: *Provided further*, That the Sec-
13 retary shall submit to the Committees on Appropriations
14 of the Senate and the House of Representatives a com-
15 prehensive review of the Revised Deepwater Implementa-
16 tion Plan every five years, beginning in fiscal year 2011,
17 that includes a complete projection of the acquisition costs
18 and schedule for the duration of the plan through fiscal
19 year 2027: *Provided further*, That the Secretary shall an-
20 nually submit to the Committees on Appropriations of the
21 Senate and the House of Representatives, at the time that
22 the President's budget is submitted under section 1105(a)
23 of title 31, United States Code, a future-years capital in-
24 vestment plan for the Coast Guard that identifies for each
25 capital budget line item—

1 (1) the proposed appropriation included in that
2 budget;

3 (2) the total estimated cost of completion;

4 (3) projected funding levels for each fiscal year
5 for the next five fiscal years or until project comple-
6 tion, whichever is earlier;

7 (4) an estimated completion date at the pro-
8 jected funding levels; and

9 (5) changes, if any, in the total estimated cost
10 of completion or estimated completion date from
11 previous future-years capital investment plans sub-
12 mitted to the Committees on Appropriations of the
13 Senate and the House of Representatives:

14 *Provided further*, That the Secretary shall ensure that
15 amounts specified in the future-years capital investment
16 plan are consistent to the maximum extent practicable
17 with proposed appropriations necessary to support the
18 programs, projects, and activities of the Coast Guard in
19 the President's budget as submitted under section 1105(a)
20 of title 31, United States Code, for that fiscal year: *Pro-*
21 *vided further*, That any inconsistencies between the capital
22 investment plan and proposed appropriations shall be
23 identified and justified: *Provided further*, That of amounts
24 made available under this heading in Public Laws 108-
25 334 and 109-90 for the Offshore Patrol Cutter,

1 \$98,627,476 are rescinded: *Provided further*, That of
2 amounts made available under this heading in Public Law
3 108-334 for VTOL unmanned aerial vehicles (VUAV),
4 \$162,850 are rescinded: *Provided further*, That of
5 amounts made available under this heading in Public Law
6 109-90 for unmanned air vehicles (UAVs), \$32,942,138
7 are rescinded: *Provided further*, That of amounts made
8 available under this heading in Public Law 109-295 for
9 VTOL unmanned aerial vehicles (UAVs), \$716,536 are re-
10 scinded: *Provided further*, That of the amount provided
11 under this heading, \$95,800,000 is designated as de-
12 scribed in section 5 (in the matter preceding division A
13 of this consolidated Act).

14 ALTERATION OF BRIDGES

15 For necessary expenses for alteration or removal of
16 obstructive bridges, as authorized by section 6 of the Tru-
17 man-Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain
18 available until expended.

19 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

20 For necessary expenses for applied scientific re-
21 search, development, test, and evaluation; and for mainte-
22 nance, rehabilitation, lease, and operation of facilities and
23 equipment; as authorized by law; \$25,000,000, to remain
24 available until expended, of which \$500,000 shall be de-
25 rived from the Oil Spill Liability Trust Fund to carry out
26 the purposes of section 1012(a)(5) of the Oil Pollution Act

1 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
2 be credited to and used for the purposes of this appropria-
3 tion funds received from State and local governments,
4 other public authorities, private sources, and foreign coun-
5 tries for expenses incurred for research, development, test-
6 ing, and evaluation.

7

RETIREED PAY

8 For retired pay, including the payment of obligations
9 otherwise chargeable to lapsed appropriations for this pur-
10 pose, payments under the Retired Serviceman's Family
11 Protection and Survivor Benefits Plans, payment for ca-
12 reer status bonuses, concurrent receipts and combat-re-
13 lated special compensation under the National Defense
14 Authorization Act, and payments for medical care of re-
15 tired personnel and their dependents under chapter 55 of
16 title 10, United States Code, \$1,184,720,000, to remain
17 available until expended.

18

UNITED STATES SECRET SERVICE

19

SALARIES AND EXPENSES

20 For necessary expenses of the United States Secret
21 Service, including purchase of not to exceed 645 vehicles
22 for police-type use for replacement only, and hire of pas-
23 senger motor vehicles; purchase of motorcycles made in
24 the United States; hire of aircraft; services of expert wit-
25 nesses at such rates as may be determined by the Director
26 of the Secret Service; rental of buildings in the District

1 of Columbia, and fencing, lighting, guard booths, and
2 other facilities on private or other property not in Govern-
3 ment ownership or control, as may be necessary to per-
4 form protective functions; payment of per diem or subsist-
5 ence allowances to employees where a protective assign-
6 ment during the actual day or days of the visit of a
7 protectee requires an employee to work 16 hours per day
8 or to remain overnight at a post of duty; conduct of and
9 participation in firearms matches; presentation of awards;
10 travel of United States Secret Service employees on pro-
11 tective missions without regard to the limitations on such
12 expenditures in this or any other Act if approval is ob-
13 tained in advance from the Committees on Appropriations
14 of the Senate and the House of Representatives; research
15 and development; grants to conduct behavioral research in
16 support of protective research and operations; and pay-
17 ment in advance for commercial accommodations as may
18 be necessary to perform protective functions;
19 \$1,381,771,000, of which \$853,690,000 is for protective
20 functions; of which not to exceed \$25,000 shall be for offi-
21 cial reception and representation expenses; of which not
22 to exceed \$100,000 shall be to provide technical assistance
23 and equipment to foreign law enforcement organizations
24 in counterfeit investigations; of which \$2,366,000 shall be
25 for forensic and related support of investigations of miss-

1 ing and exploited children; and of which \$6,000,000 shall
2 be a grant for activities related to the investigations of (for
3 missing and exploited children and shall remain available
4 until expended: *Provided*, That up to \$18,000,000 pro-
5 vided for protective travel shall remain available until Sep-
6 tember 30, 2009: *Provided further*, That the United States
7 Secret Service is authorized to obligate funds in anticipa-
8 tion of reimbursements from Federal agencies and enti-
9 ties, as defined in section 105 of title 5, United States
10 Code, receiving training sponsored by the James J.
11 Rowley Training Center, except that total obligations at
12 the end of the fiscal year shall not exceed total budgetary
13 resources available under this heading at the end of the
14 fiscal year.

15 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
16 RELATED EXPENSES

17 For necessary expenses for acquisition, construction,
18 repair, alteration, and improvement of facilities,
19 \$3,725,000, to remain available until expended.

20 TITLE III
21 PROTECTION, PREPAREDNESS, RESPONSE, AND
22 RECOVERY

23 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
24 MANAGEMENT AND ADMINISTRATION

25 For salaries and expenses of the immediate Office of
26 the Under Secretary for National Protection and Pro-

1 grams, the National Protection Planning Office, support
2 for operations, information technology, and Risk Manage-
3 ment and Analysis, \$47,346,000: *Provided*, That not to
4 exceed \$5,000 shall be for official reception and represen-
5 tation expenses: *Provided further*, That of the total
6 amount provided under this heading, \$5,000,000 shall not
7 be obligated until the Committees on Appropriations of the
8 Senate and the House of Representatives receive and ap-
9 prove an expenditure plan by program, project, and activ-
10 ity.

11 INFRASTRUCTURE PROTECTION AND INFORMATION
12 SECURITY

13 For necessary expenses for infrastructure protection
14 and information security programs and activities, as au-
15 thorized by title II of the Homeland Security Act of 2002
16 (6 U.S.C. 121 et seq.), \$654,730,000, of which
17 \$586,960,000 shall remain available until September 30,
18 2009.

19 UNITED STATES VISITOR AND IMMIGRANT STATUS
20 INDICATOR TECHNOLOGY

21 For necessary expenses for the development of the
22 United States Visitor and Immigrant Status Indicator
23 Technology project, as authorized by section 110 of the
24 Illegal Immigration Reform and Immigrant Responsibility
25 Act of 1996 (8 U.S.C. 1365a), \$475,000,000, to remain
26 available until expended: *Provided*, That of the amount

1 provided under this heading, \$275,000,000 is designated
2 as described in section 5 (in the matter preceding division
3 A of this consolidated Act): *Provided further*, That of the
4 total amount made available under this heading,
5 \$125,000,000 may not be obligated for the United States
6 Visitor and Immigrant Status Indicator Technology
7 project until the Committees on Appropriations of the
8 Senate and the House of Representatives receive and ap-
9 prove a plan for expenditure prepared by the Secretary
10 of Homeland Security that includes:

11 (1) a detailed accounting of the program's
12 progress to date relative to system capabilities or
13 services, system performance levels, mission benefits
14 and outcomes, milestones, cost targets, and program
15 management capabilities;

16 (2) an explicit plan of action defining how all
17 funds are to be obligated to meet future program
18 commitments, with the planned expenditure of funds
19 linked to the milestone-based delivery of specific ca-
20 pabilities, services, performance levels, mission bene-
21 fits and outcomes, and program management capa-
22 bilities;

23 (3) a listing of all open Government Account-
24 ability Office and Office of Inspector General rec-
25 ommendations related to the program and the status

1 of Department of Homeland Security actions to ad-
2 dress the recommendations, including milestones for
3 fully addressing them;

4 (4) a certification by the Chief Procurement Of-
5 ficer of the Department that the program has been
6 reviewed and approved in accordance with the in-
7 vestment management process of the Department,
8 and that the process fulfills all capital planning and
9 investment control requirements and reviews estab-
10 lished by the Office of Management and Budget, in-
11 cluding Circular A-11, part 7;

12 (5) a certification by the Chief Information Of-
13 ficer of the Department of Homeland Security that
14 an independent verification and validation agent is
15 currently under contract for the project;

16 (6) a certification by the Chief Information Of-
17 ficer of the Department that the system architecture
18 of the program is sufficiently aligned with the infor-
19 mation systems enterprise architecture of the De-
20 partment to minimize future rework, including a de-
21 scription of all aspects of the architectures that were
22 and were not assessed in making the alignment de-
23 termination, the date of the alignment determina-
24 tion, and any known areas of misalignment along

1 with the associated risks and corrective actions to
2 address any such areas;

3 (7) a certification by the Chief Procurement Of-
4 ficer of the Department that the plans for the pro-
5 gram comply with the Federal acquisition rules, re-
6 quirements, guidelines, and practices, and a descrip-
7 tion of the actions being taken to address areas of
8 non-compliance, the risks associated with them along
9 with any plans for addressing these risks, and the
10 status of their implementation;

11 (8) a certification by the Chief Information Of-
12 ficer of the Department that the program has a risk
13 management process that regularly identifies, evalu-
14 ates, mitigates, and monitors risks throughout the
15 system life cycle, and communicates high-risk condi-
16 tions to agency and Department of Homeland Secu-
17 rity investment decisionmakers, as well as a listing
18 of all the program's high risks and the status of ef-
19 forts to address them;

20 (9) a certification by the Chief Human Capital
21 Officer of the Department that the human capital
22 needs of the program are being strategically and
23 proactively managed, and that current human cap-
24 ital capabilities are sufficient to execute the plans
25 discussed in the report;

1 (10) a complete schedule for the full implemen-
2 tation of a biometric exit program or a certification
3 that such program is not possible within five years;

4 (11) a detailed accounting of operation and
5 maintenance, contractor services, and program costs
6 associated with the management of identity services;
7 and

8 (12) is reviewed by the Government Account-
9 ability Office.

10 OFFICE OF HEALTH AFFAIRS

11 For the necessary expenses of the Office of Health
12 Affairs, \$116,500,000; of which \$24,317,000 is for sala-
13 ries and expenses; and of which \$92,183,000, to remain
14 available until September 30, 2009, is for biosurveillance,
15 BioWatch, medical readiness planning, chemical response,
16 and other activities: *Provided*, That not to exceed \$3,000
17 shall be for official reception and representation expenses.

18 FEDERAL EMERGENCY MANAGEMENT AGENCY

19 MANAGEMENT AND ADMINISTRATION

20 For necessary expenses for management and admin-
21 istration of the Federal Emergency Management Agency,
22 \$664,000,000, including activities authorized by the Na-
23 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
24 seq.), the Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-

1 quake Hazards Reduction Act of 1977 (42 U.S.C. 7701
2 et seq.), the Defense Production Act of 1950 (50 U.S.C.
3 App. 2061 et seq.), sections 107 and 303 of the National
4 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-
5 tion Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland
6 Security Act of 2002 (6 U.S.C. 101 et seq.); and the Post-
7 Katrina Emergency Management Reform Act of 2006
8 (Public Law 109-295; 120 Stat. 1394): *Provided*, That
9 not to exceed \$3,000 shall be for official reception and
10 representation expenses: *Provided further*, That the Presi-
11 dent's budget submitted under section 1105(a) of title 31,
12 United States Code, shall be detailed by office for the Fed-
13 eral Emergency Management Agency: *Provided further*,
14 That of the total amount made available under this head-
15 ing, \$32,500,000 shall be for the Urban Search and Res-
16 cue Response System, of which not to exceed \$1,600,000
17 may be made available for administrative costs; and
18 \$6,000,000 shall be for the Office of National Capital Re-
19 gion Coordination: *Provided further*, That for purposes of
20 planning, coordination, execution, and decisionmaking re-
21 lated to mass evacuation during a disaster, the Governors
22 of the State of West Virginia and the Commonwealth of
23 Pennsylvania, or their designees, shall be incorporated into
24 efforts to integrate the activities of Federal, State, and
25 local governments in the National Capital Region, as de-

1 fined in section 882 of Public Law 107-296, the Home-
2 land Security Act of 2002.

3 STATE AND LOCAL PROGRAMS
4 (INCLUDING TRANSFER OF FUNDS)

5 For grants, contracts, cooperative agreements, and
6 other activities, \$3,177,800,000 shall be allocated as fol-
7 lows:

8 (1) \$950,000,000 shall be for the State Home-
9 land Security Grant Program under section 2004 of
10 the Homeland Security Act of 2002 (6 U.S.C. 605)
11 as amended by Implementing Recommendations of
12 the 9/11 Commission Act of 2007 (Public Law 110-
13 53): *Provided*, That of the amount provided by this
14 paragraph, \$60,000,000 shall be for Operation
15 Stonegarden and is designated as described in sec-
16 tion 5 (in the matter preceding division A of this
17 consolidated Act): *Provided further*, That notwith-
18 standing subsection (c)(4) of such section 2004, for
19 fiscal year 2008, the Commonwealth of Puerto Rico
20 shall make available to local and tribal governments
21 amounts provided to the Commonwealth of Puerto
22 Rico under this paragraph in accordance with sub-
23 section (c)(1) of such section 2004;

24 (2) \$820,000,000 shall be for the Urban Area
25 Security Initiative under section 2003 of the Home-
26 land Security Act of 2002 (6 U.S.C. 604) as amend-

1 ed by Implementing Recommendations of the 9/11
2 Commission Act of 2007 (Public Law 110-53), of
3 which, notwithstanding subsection (c)(1) of such sec-
4 tion, \$15,000,000 shall be for grants to organiza-
5 tions (as described under section 501(c)(3) of the
6 Internal Revenue Code of 1986 and exempt from tax
7 section 501(a) of such code) determined by the Sec-
8 retary to be at high-risk of a terrorist attack;

9 (3) \$35,000,000 shall be for Regional Cata-
10 strophic Preparedness Grants;

11 (4) \$41,000,000 shall be for the Metropolitan
12 Medical Response System under section 635 of the
13 Post-Katrina Emergency Management Reform Act
14 of 2006 (6 U.S.C. 723);

15 (5) \$15,000,000 shall be for the Citizens Corps
16 Program;

17 (6) \$400,000,000 shall be for Public Transpor-
18 tation Security Assistance and Railroad Security As-
19 sistance under sections 1406 and 1513 of the Imple-
20 menting Recommendations of the 9/11 Commission
21 Act of 2007 (Public Law 110-53; 6 U.S.C. 1135
22 and 1163), of which not less than \$25,000,000 shall
23 be for Amtrak security;

24 (7) \$400,000,000 shall be for Port Security
25 Grants in accordance with 46 U.S.C. 70107;

1 (8) \$11,500,000 shall be for Over-the-Road Bus
2 Security Assistance under section 1532 of the Imple-
3 menting Recommendations of the 9/11 Commission
4 Act of 2007 (Public Law 110-53; 6 U.S.C. 1182);

5 (9) \$16,000,000 shall be for Trucking Industry
6 Security Grants;

7 (10) \$50,000,000 shall be for Buffer Zone Pro-
8 tection Program Grants;

9 (11) \$50,000,000 shall be for grants under sec-
10 tion 204 of the REAL ID Act of 2005 (Public Law
11 109-13; 49 U.S.C. 30301 note): *Provided*, That the
12 amount provided under this paragraph shall be des-
13 ignated as described in section 5 (in the matter pre-
14 ceding division A of this consolidated Act);

15 (12) \$25,000,000 shall be for the Commercial
16 Equipment Direct Assistance Program;

17 (13) \$50,000,000 shall be for the Interoperable
18 Emergency Communications Grant Program under
19 section 1809 of the Homeland Security Act of 2002
20 (6 U.S.C. 579) as amended by Implementing Rec-
21 ommendations of the 9/11 Commission Act of 2007
22 (Public Law 110-53);

23 (14) \$15,000,000 shall be for grants for con-
24 struction of Emergency Operations Centers under
25 section 614 of the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act (42 U.S.C. 5196c) as
2 amended by Implementing Recommendations of the
3 9/11 Commission Act of 2007 (Public Law 110-53);
4 and

5 (15) \$299,300,000 shall be for training, exer-
6 cises, technical assistance, and other programs:

7 *Provided*, That not to exceed three percent of the amounts
8 provided under this heading may be transferred to the
9 Federal Emergency Management Agency "Management
10 and Administration" account for program administration:

11 *Provided further*, That for grants under paragraphs (1)
12 through (5), the applications for grants shall be made
13 available to eligible applicants not later than 25 days after
14 the date of enactment of this Act, that eligible applicants
15 shall submit applications not later than 90 days after the
16 grant announcement, and that the Administrator of the
17 Federal Emergency Management Agency shall act within
18 90 days after receipt of an application: *Provided further*,
19 That for grants under paragraphs (6) through (11), the
20 applications for grants shall be made available to eligible
21 applicants not later than 30 days after the date of enact-
22 ment of this Act, that eligible applicants shall submit ap-
23 plications within 45 days after the grant announcement,
24 and that the Federal Emergency Management Agency
25 shall act not later than 60 days after receipt of an applica-

1 tion: *Provided further*, That grantees shall provide addi-
2 tional reports on their use of funds, as determined nec-
3 essary by the Secretary of Homeland Security: *Provided*
4 *further*, That (a) the Center for Domestic Preparedness
5 may provide training to emergency response providers
6 from the Federal Government, foreign governments, or
7 private entities, if the Center for Domestic Preparedness
8 is reimbursed for the cost of such training, and any reim-
9 bursement under this subsection shall be credited to the
10 account from which the expenditure being reimbursed was
11 made and shall be available, without fiscal year limitation,
12 for the purposes for which amounts in the account may
13 be expended, (b) the head of the Center for Domestic Pre-
14 paredness shall ensure that any training provided under
15 (a) does not interfere with the primary mission of the Cen-
16 ter to train State and local emergency response providers:
17 *Provided further*, That the Government Accountability Of-
18 fice shall report to the Committees on Appropriations of
19 the Senate and the House of Representatives regarding
20 the data, assumptions, and methodology that the Depart-
21 ment uses to assess risk and allocate Urban Area Security
22 Initiative and State Homeland Security Grants not later
23 than 45 days after the date of enactment of this Act: *Pro-*
24 *vided further*, That the report shall include the reliability
25 and validity of the data used, the basis for the assump-

1 tions used, how the methodology is applied to determine
2 the risk scores for individual locations, an analysis of the
3 usefulness of placing States and cities into tier groups,
4 and the allocation of grants to eligible locations: *Provided*
5 *further*, That the Department provide the Government Ac-
6 countability Office with the actual data that the Depart-
7 ment used for its risk assessment and grant allocation for
8 at least two locations at the discretion of the Government
9 Accountability Office for the 2007 grant allocation proc-
10 ess: *Provided further*, That the Department provide the
11 Government Accountability Office with access to all data
12 needed for its analysis and report, including specifics on
13 all changes for the fiscal year 2008 process, including, but
14 not limited to, all changes in data, assumptions, and
15 weights used in methodology within seven days after the
16 date of enactment of this Act: *Provided further*, That any
17 subsequent changes made regarding the risk methodology
18 after the initial information is provided to the Government
19 Accountability Office shall be provided within seven days
20 after the change is made.

21 FIREFIGHTER ASSISTANCE GRANTS

22 For necessary expenses for programs authorized by
23 the Federal Fire Prevention and Control Act of 1974 (15
24 U.S.C. 2201 et seq.), \$750,000,000, of which
25 \$560,000,000 shall be available to carry out section 33
26 of that Act (15 U.S.C. 2229) and \$190,000,000 shall be

1 available to carry out section 34 of that Act (15 U.S.C.
2 2229a), to remain available until September 30, 2009:
3 *Provided*, That not to exceed five percent of the amount
4 available under this heading shall be available for program
5 administration.

6 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

7 For necessary expenses for emergency management
8 performance grants, as authorized by the National Flood
9 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
10 ert T. Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
12 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
13 organization Plan No. 3 of 1978 (5 U.S.C. App.),
14 \$300,000,000: *Provided*, That total administrative costs
15 shall not exceed three percent of the total amount appro-
16 priated under this heading.

17 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

18 The aggregate charges assessed during fiscal year
19 2008, as authorized in title III of the Departments of Vet-
20 erans Affairs and Housing and Urban Development, and
21 Independent Agencies Appropriations Act, 1999 (42
22 U.S.C. 5196e), shall not be less than 100 percent of the
23 amounts anticipated by the Department of Homeland Se-
24 curity necessary for its radiological emergency prepared-
25 ness program for the next fiscal year: *Provided*, That the
26 methodology for assessment and collection of fees shall be

1 fair and equitable and shall reflect costs of providing such
2 services, including administrative costs of collecting such
3 fees: *Provided further*, That fees received under this head-
4 ing shall be deposited in this account as offsetting collec-
5 tions and will become available for authorized purposes on
6 October 1, 2008, and remain available until expended.

7 UNITED STATES FIRE ADMINISTRATION

8 For necessary expenses of the United States Fire Ad-
9 ministration and for other purposes, as authorized by the
10 Federal Fire Prevention and Control Act of 1974 (15
11 U.S.C. 2201 et seq.) and the Homeland Security Act of
12 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

13 DISASTER RELIEF

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses in carrying out the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5121 et seq.), \$1,400,000,000, to remain avail-
18 able until expended: *Provided*, That of the total amount
19 provided, \$16,000,000 shall be transferred to the Depart-
20 ment of Homeland Security Office of Inspector General
21 for audits and investigations related to disasters, subject
22 to section 503 of this Act: *Provided further*, That up to
23 \$60,000,000 may be transferred to "Management and Ad-
24 ministration", Federal Emergency Management Agency,
25 of which \$48,000,000 and 250 positions are for manage-
26 ment and administration functions and \$12,000,000 is for

1 activities related to the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act (42 U.S.C. 5121 et seq.):
3 *Provided further*, That of the amount provided in the pre-
4 vious proviso, \$30,000,000 shall not be available for trans-
5 fer for management and administration functions until the
6 Federal Emergency Management Agency submits an ex-
7 penditure plan to the Committees on Appropriations of the
8 Senate and the House of Representatives regarding the
9 250 positions: *Provided further*, That the Federal Emer-
10 gency Management Agency shall hereafter submit a
11 monthly "Disaster Relief" report to the Committees on
12 Appropriations of the Senate and the House of Represent-
13 atives to include:

14 (1) status of the Disaster Relief fund including
15 obligations, allocations, and amounts undistributed/
16 unallocated;

17 (2) allocations, obligations, and expenditures for
18 Hurricanes Katrina, Rita, and Wilma and all open
19 disasters;

20 (3) information on national flood insurance
21 claims;

22 (4) obligations, allocations, and expenditures by
23 State for unemployment, crisis counseling, inspec-
24 tions, housing assistance, manufactured housing,
25 public assistance, and individual assistance;

1 (5) mission assignment obligations by agency,
2 including:

3 (A) the amounts to other agencies that are
4 in suspense because the Federal Emergency
5 Management Agency has not yet reviewed and
6 approved the documentation supporting the ex-
7 penditure or for which an agency has been mis-
8 sion assigned but has not submitted necessary
9 documentation for reimbursement;

10 (B) an explanation if the amounts of re-
11 ported obligations and expenditures do not re-
12 flect the status of such obligations and expendi-
13 tures from a government-wide perspective; and

14 (C) each such agency's actual obligation
15 and expenditure data;

16 (6) the amount of credit card purchases by
17 agency and mission assignment;

18 (7) specific reasons for all waivers granted and
19 a description of each waiver;

20 (8) a list of all contracts that were awarded on
21 a sole source or limited competition basis, including
22 the dollar amount, the purpose of the contract, and
23 the reason for the lack of competitive award; and

1 (9) an estimate of when available appropria-
2 tions will be exhausted, assuming an average dis-
3 aster season:

4 *Provided further*, That for any request for reimbursement
5 from a Federal agency to the Department to cover expend-
6 itures under the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5121 et seq.), or
8 any mission assignment orders issued by the Department
9 for such purposes, the Secretary of Homeland Security
10 shall take appropriate steps to ensure that each agency
11 is periodically reminded of Department policies on—

12 (1) the detailed information required in sup-
13 porting documentation for reimbursements, and

14 (2) the necessity for timeliness of agency bil-
15 lings.

16 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

17 For activities under section 319 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5162), \$875,000, of which \$580,000 is for ad-
20 ministrative expenses to carry out the direct loan program
21 and \$295,000 is for the cost of direct loans: *Provided*,
22 That gross obligations for the principal amount of direct
23 loans shall not exceed \$25,000,000: *Provided further*, That
24 the cost of modifying such loans shall be as defined in
25 section 502 of the Congressional Budget Act of 1974 (2
26 U.S.C. 661a).

1 FLOOD MAP MODERNIZATION FUND

2 For necessary expenses under section 1360 of the
3 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
4 \$220,000,000, and such additional sums as may be pro-
5 vided by State and local governments or other political
6 subdivisions for cost-shared mapping activities under sec-
7 tion 1360(f)(2) of such Act, to remain available until ex-
8 pended: *Provided*, That total administrative costs shall not
9 exceed three percent of the total amount appropriated
10 under this heading.

11 NATIONAL FLOOD INSURANCE FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For activities under the National Flood Insurance
14 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
15 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
16 \$145,000,000, which is available as follows: (1) not to ex-
17 ceed \$45,642,000 for salaries and expenses associated
18 with flood mitigation and flood insurance operations; and
19 (2) no less than \$99,358,000 for flood hazard mitigation,
20 which shall be derived from offsetting collections assessed
21 and collected under section 1307 of the National Flood
22 Insurance Act of 1968 (42 U.S.C. 4014), to remain avail-
23 able until September 30, 2009, including up to
24 \$34,000,000 for flood mitigation expenses under section
25 1366 of that Act (42 U.S.C. 4104e), which shall be avail-
26 able for transfer to the National Flood Mitigation Fund

1 under section 1367 of that Act (42 U.S.C. 4104) until
2 September 30, 2009: *Provided*, That any additional fees
3 collected pursuant to section 1307 of that Act shall be
4 credited as an offsetting collection to this account, to be
5 available for flood hazard mitigation expenses: *Provided*
6 *further*, That in fiscal year 2008, no funds shall be avail-
7 able from the National Flood Insurance Fund under sec-
8 tion 1310 of that Act (42 U.S.C. 4017) in excess of: (1)
9 \$70,000,000 for operating expenses; (2) \$773,772,000 for
10 commissions and taxes of agents; (3) such sums as are
11 necessary for interest on Treasury borrowings; and (4)
12 \$90,000,000 for flood mitigation actions with respect to
13 severe repetitive loss properties under section 1361A of
14 that Act (42 U.S.C. 4102a) and repetitive insurance
15 claims properties under section 1323 of that Act (42
16 U.S.C. 4030), which shall remain available until expended:
17 *Provided further*, That total administrative costs shall not
18 exceed four percent of the total appropriation.

19 NATIONAL FLOOD MITIGATION FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 Notwithstanding subparagraphs (B) and (C) of sub-
22 section (b)(3), and subsection (f), of section 1366 of the
23 National Flood Insurance Act of 1968, \$34,000,000 (42
24 U.S.C. 4104e), to remain available until September 30,
25 2009, for activities designed to reduce the risk of flood
26 damage to structures pursuant to such Act, of which

1 \$34,000,000 shall be derived from the National Flood In-
2 surance Fund.

3 NATIONAL PREDISASTER MITIGATION FUND

4 For a predisaster mitigation grant program under
5 title II of the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5131 et seq.),
7 \$114,000,000, to remain available until expended: *Pro-*
8 *vided*, That grants made for predisaster mitigation shall
9 be awarded subject to the criteria in section 203(g) of such
10 Act (42 U.S.C. 5133(g)): *Provided further*, That the total
11 administrative costs associated with such grants shall not
12 exceed three percent of the total amount made available
13 under this heading.

14 EMERGENCY FOOD AND SHELTER

15 To carry out an emergency food and shelter program
16 pursuant to title III of the McKinney-Vento Homeless As-
17 sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to
18 remain available until expended: *Provided*, That total ad-
19 ministrative costs shall not exceed 3.5 percent of the total
20 amount made available under this heading.

1 TITLE IV
2 RESEARCH AND DEVELOPMENT, TRAINING,
3 AND SERVICES
4 UNITED STATES CITIZENSHIP AND IMMIGRATION
5 SERVICES

6 For necessary expenses for citizenship and immigra-
7 tion services, \$80,973,000: *Provided*, That of the amount
8 provided under this heading, \$80,000,000 is designated as
9 described in section 5 (in the matter preceding division
10 A of this consolidated Act): *Provided further*, That of the
11 total, \$20,000,000 is provided to address backlogs of secu-
12 rity checks associated with pending applications and peti-
13 tions and shall not be available for obligation until the
14 Secretary of Homeland Security and the United States At-
15 torney General submit to the Committees on Appropria-
16 tions of the Senate and the House of Representatives a
17 plan to eliminate the backlog of security checks that estab-
18 lishes information sharing protocols to ensure United
19 States Citizenship and Immigration Services has the infor-
20 mation it needs to carry out its mission: *Provided further*,
21 That notwithstanding any other provision of law, funds
22 available to United States Citizenship and Immigration
23 Services may be used to acquire, operate, equip, and dis-
24 pose of up to five vehicles for areas where the Adminis-
25 trator of General Services does not provide vehicles for

1 lease: *Provided further*, That the Director of United States
2 Citizenship and Immigration Services may authorize em-
3 ployees who are assigned to those areas to use such vehi-
4 cles between the employees' residences and places of em-
5 ployment.

6 FEDERAL LAW ENFORCEMENT TRAINING CENTER

7 SALARIES AND EXPENSES

8 For necessary expenses of the Federal Law Enforce-
9 ment Training Center, including materials and support
10 costs of Federal law enforcement basic training; purchase
11 of not to exceed 117 vehicles for police-type use and hire
12 of passenger motor vehicles; expenses for student athletic
13 and related activities; the conduct of and participation in
14 firearms matches and presentation of awards; public
15 awareness and enhancement of community support of law
16 enforcement training; room and board for student interns;
17 a flat monthly reimbursement to employees authorized to
18 use personal mobile phones for official duties; and services
19 as authorized by section 3109 of title 5, United States
20 Code; \$238,076,000, of which up to \$48,111,000 for ma-
21 terials and support costs of Federal law enforcement basic
22 training shall remain available until September 30, 2009;
23 of which \$300,000 shall remain available until expended
24 for Federal law enforcement agencies participating in
25 training accreditation, to be distributed as determined by

1 the Federal Law Enforcement Training Center for the
2 needs of participating agencies; and of which not to exceed
3 \$12,000 shall be for official reception and representation
4 expenses: *Provided*, That of the amount provided under
5 this heading, \$17,000,000 is designated as described in
6 section 5 (in the matter preceding division A of this con-
7 solidated Act): *Provided further*, That the Center is au-
8 thorized to obligate funds in anticipation of reimburse-
9 ments from agencies receiving training sponsored by the
10 Center, except that total obligations at the end of the fis-
11 cal year shall not exceed total budgetary resources avail-
12 able at the end of the fiscal year: *Provided further*, That
13 section 1202(a) of Public Law 107-206 (42 U.S.C. 3771
14 note) as amended by Public Law 109-295 (120 Stat.
15 1374) is further amended by striking "December 31,
16 2007" and inserting "December 31, 2010".

17 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
18 RELATED EXPENSES

19 For acquisition of necessary additional real property
20 and facilities, construction, and ongoing maintenance, fa-
21 cility improvements, and related expenses of the Federal
22 Law Enforcement Training Center, \$50,590,000, to re-
23 main available until expended: *Provided*, That of the
24 amount provided under this heading, \$4,000,000 is des-
25 ignated as described in section 5 (in the matter preceding
26 division A of this consolidated Act): *Provided further*, That

1 the Center is authorized to accept reimbursement to this
2 appropriation from government agencies requesting the
3 construction of special use facilities.

4 SCIENCE AND TECHNOLOGY

5 MANAGEMENT AND ADMINISTRATION

6 For salaries and expenses of the Office of the Under
7 Secretary for Science and Technology and for manage-
8 ment and administration of programs and activities, as
9 authorized by title III of the Homeland Security Act of
10 2002 (6 U.S.C. 181 et seq.), \$138,600,000: *Provided*,
11 That not to exceed \$10,000 shall be for official reception
12 and representation expenses.

13 RESEARCH, DEVELOPMENT, ACQUISITION, AND

14 OPERATIONS

15 For necessary expenses for science and technology re-
16 search, including advanced research projects; development;
17 test and evaluation; acquisition; and operations; as author-
18 ized by title III of the Homeland Security Act of 2002
19 (6 U.S.C. 181 et seq.); \$691,735,000, to remain available
20 until expended: *Provided*, That none of the funds made
21 available under this heading shall be obligated for the
22 Analysis, Dissemination, Visualization, Insight, and Se-
23 mantic Enhancement program or any follow-on or suc-
24 cessor program.

1 DOMESTIC NUCLEAR DETECTION OFFICE

2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Domestic Nuclear
4 Detection Office as authorized by the second title XVIII
5 of the Homeland Security Act of 2002 and for manage-
6 ment and administration of programs and activities,
7 \$31,500,000: *Provided*, That not to exceed \$3,000 shall
8 be for official reception and representation expenses.

9 RESEARCH, DEVELOPMENT, AND OPERATIONS

10 For necessary expenses for radiological and nuclear
11 research, development, testing, evaluation, and operations,
12 \$323,500,000, to remain available until expended.

13 SYSTEMS ACQUISITION

14 For expenses for the Domestic Nuclear Detection Of-
15 fice acquisition and deployment of radiological detection
16 systems in accordance with the global nuclear detection
17 architecture, \$129,750,000, to remain available until Sep-
18 tember 30, 2010: *Provided*, That none of the funds appro-
19 priated under this heading shall be obligated for full-scale
20 procurement of Advanced Spectroscopic Portal Monitors
21 until the Secretary of Homeland Security submits to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives a report certifying that a signifi-
24 cant increase in operational effectiveness will be achieved:
25 *Provided further*, That the Secretary shall submit separate
26 and distinct certifications prior to the procurement of Ad-

1 vanced Spectroscopic Portal Monitors for primary and sec-
2 ondary deployment that address the unique requirements
3 for operational effectiveness of each type of deployment:
4 *Provided further*, That the Secretary of Homeland Secu-
5 rity shall consult with the National Academy of Sciences
6 before making such certification: *Provided further*, That
7 none of the funds appropriated under this heading shall
8 be used for high-risk concurrent development and produc-
9 tion of mutually dependent software and hardware.

10

TITLE V

11

GENERAL PROVISIONS

12 SEC. 501. No part of any appropriation contained in
13 this Act shall remain available for obligation beyond the
14 current fiscal year unless expressly so provided herein.

15 SEC. 502. Subject to the requirements of section 503
16 of this Act, the unexpended balances of prior appropria-
17 tions provided for activities in this Act may be transferred
18 to appropriation accounts for such activities established
19 pursuant to this Act: *Provided*, That balances so trans-
20 ferred may be merged with funds in the applicable estab-
21 lished accounts and thereafter may be accounted for as
22 one fund for the same time period as originally enacted.

23 SEC. 503. (a) None of the funds provided by this Act,
24 provided by previous appropriations Acts to the agencies
25 in or transferred to the Department of Homeland Security

1 that remain available for obligation or expenditure in fiscal
2 year 2008, or provided from any accounts in the Treasury
3 of the United States derived by the collection of fees avail-
4 able to the agencies funded by this Act, shall be available
5 for obligation or expenditure through a reprogramming of
6 funds that: (1) creates a new program, project, or activity;
7 (2) eliminates a program, project, office, or activity; (3)
8 increases funds for any program, project, or activity for
9 which funds have been denied or restricted by the Con-
10 gress; (4) proposes to use funds directed for a specific ac-
11 tivity by either of the Committees on Appropriations of
12 the Senate or the House of Representatives for a different
13 purpose; or (5) contracts out any function or activity for
14 which funding levels were requested for Federal full-time
15 equivalents in the object classification tables contained in
16 the fiscal year 2008 Budget Appendix for the Department
17 of Homeland Security, as specified in the explanatory
18 statement described in section 4 (in the matter preceding
19 division A of this consolidated Act), unless the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified 15 days in advance of such re-
22 programming of funds.

23 (b) None of the funds provided by this Act, provided
24 by previous appropriations Acts to the agencies in or
25 transferred to the Department of Homeland Security that

1 remain available for obligation or expenditure in fiscal
2 year 2008, or provided from any accounts in the Treasury
3 of the United States derived by the collection of fees avail-
4 able to the agencies funded by this Act, shall be available
5 for obligation or expenditure for programs, projects, or ac-
6 tivities through a reprogramming of funds in excess of
7 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
8 ments existing programs, projects, or activities; (2) re-
9 duces by 10 percent funding for any existing program,
10 project, or activity, or numbers of personnel by 10 percent
11 as approved by the Congress; or (3) results from any gen-
12 eral savings from a reduction in personnel that would re-
13 sult in a change in existing programs, projects, or activi-
14 ties as approved by the Congress; unless the Committees
15 on Appropriations of the Senate and the House of Rep-
16 resentatives are notified 15 days in advance of such re-
17 programming of funds.

18 (c) Not to exceed 5 percent of any appropriation
19 made available for the current fiscal year for the Depart-
20 ment of Homeland Security by this Act or provided by
21 previous appropriations Acts may be transferred between
22 such appropriations, but no such appropriations, except
23 as otherwise specifically provided, shall be increased by
24 more than 10 percent by such transfers: *Provided*, That
25 any transfer under this section shall be treated as a re-

1 programming of funds under subsection (b) and shall not
2 be available for obligation unless the Committees on Ap-
3 propriations of the Senate and the House of Representa-
4 tives are notified 15 days in advance of such transfer.

5 (d) Notwithstanding subsections (a), (b), and (c) of
6 this section, no funds shall be reprogrammed within or
7 transferred between appropriations after June 30, except
8 in extraordinary circumstances which imminently threaten
9 the safety of human life or the protection of property.

10 SEC. 504. None of the funds appropriated or other-
11 wise made available to the Department of Homeland Secu-
12 rity may be used to make payments to the "Department
13 of Homeland Security Working Capital Fund", except for
14 the activities and amounts allowed in the President's fiscal
15 year 2008 budget, excluding sedan service, shuttle service,
16 transit subsidy, mail operations, parking, and competitive
17 sourcing: *Provided*, That any additional activities and
18 amounts shall be approved by the Committees on Appro-
19 priations of the Senate and the House of Representatives
20 30 days in advance of obligation.

21 SEC. 505. Except as otherwise specifically provided
22 by law, not to exceed 50 percent of unobligated balances
23 remaining available at the end of fiscal year 2008 from
24 appropriations for salaries and expenses for fiscal year
25 2008 in this Act shall remain available through September

1 30, 2009, in the account and for the purposes for which
2 the appropriations were provided: *Provided*, That prior to
3 the obligation of such funds, a request shall be submitted
4 to the Committees on Appropriations of the Senate and
5 the House of Representatives for approval in accordance
6 with section 503 of this Act.

7 SEC. 506. Funds made available by this Act for intel-
8 ligence activities are deemed to be specifically authorized
9 by the Congress for purposes of section 504 of the Na-
10 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
11 year 2008 until the enactment of an Act authorizing intel-
12 ligence activities for fiscal year 2008.

13 SEC. 507. The Federal Law Enforcement Training
14 Accreditation Board shall lead the Federal law enforce-
15 ment training accreditation process, to include representa-
16 tives from the Federal law enforcement community and
17 non-Federal accreditation experts involved in law enforce-
18 ment training, to continue the implementation of meas-
19 uring and assessing the quality and effectiveness of Fed-
20 eral law enforcement training programs, facilities, and in-
21 structors.

22 SEC. 508. None of the funds in this Act may be used
23 to make a grant allocation, discretionary grant award, dis-
24 cretionary contract award, or to issue a letter of intent
25 totaling in excess of \$1,000,000, or to announce publicly

1 the intention to make such an award, including a contract
2 covered by the Federal Acquisition Regulation, unless the
3 Secretary of Homeland Security notifies the Committees
4 on Appropriations of the Senate and the House of Rep-
5 resentatives at least three full business days in advance:
6 *Provided*, That no notification shall involve funds that are
7 not available for obligation: *Provided further*, That the no-
8 tification shall include the amount of the award, the fiscal
9 year in which the funds for the award were appropriated,
10 and the account from which the funds are being drawn:
11 *Provided further*, That the Federal Emergency Manage-
12 ment Agency shall brief the Committees on Appropriations
13 of the Senate and the House of Representatives five full
14 business days in advance of announcing publicly the inten-
15 tion of making an award of State Homeland Security
16 grants; Urban Area Security Initiative grants; or Regional
17 Catastrophic Preparedness Grants.

18 SEC. 509. Notwithstanding any other provision of
19 law, no agency shall purchase, construct, or lease any ad-
20 ditional facilities, except within or contiguous to existing
21 locations, to be used for the purpose of conducting Federal
22 law enforcement training without the advance approval of
23 the Committees on Appropriations of the Senate and the
24 House of Representatives, except that the Federal Law
25 Enforcement Training Center is authorized to obtain the

1 temporary use of additional facilities by lease, contract,
2 or other agreement for training which cannot be accommo-
3 dated in existing Center facilities.

4 SEC. 510. The Director of the Federal Law Enforce-
5 ment Training Center shall schedule basic and/or ad-
6 vanced law enforcement training at all four training facili-
7 ties under the control of the Federal Law Enforcement
8 Training Center to ensure that these training centers are
9 operated at the highest capacity throughout the fiscal
10 year.

11 SEC. 511. None of the funds appropriated or other-
12 wise made available by this Act may be used for expenses
13 for any construction, repair, alteration, or acquisition
14 project for which a prospectus, if required under chapter
15 33 of title 40, United States Code, has not been approved,
16 except that necessary funds may be expended for each
17 project for required expenses for the development of a pro-
18 posed prospectus.

19 SEC. 512. None of the funds in this Act may be used
20 in contravention of the applicable provisions of the Buy
21 American Act (41 U.S.C. 10a et seq.).

22 SEC. 513. (a) None of the funds provided by this or
23 previous appropriations Acts may be obligated for deploy-
24 ment or implementation, on other than a test basis, of the
25 Secure Flight program or any other follow-on or successor

1 passenger prescreening program, until the Secretary of
2 Homeland Security certifies, and the Government Ac-
3 countability Office reports, to the Committees on Appro-
4 priations of the Senate and the House of Representatives,
5 that all ten of the conditions contained in paragraphs (1)
6 through (10) of section 522(a) of Public Law 108-334
7 (118 Stat. 1319) have been successfully met.

8 (b) The report required by subsection (a) shall be
9 submitted within 90 days after the Secretary provides the
10 requisite certification, and periodically thereafter, if nec-
11 essary, until the Government Accountability Office con-
12 firms that all ten conditions have been successfully met.

13 (c) Within 90 days after the date of enactment of
14 this Act, the Secretary of Homeland Security shall submit
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives a detailed plan that de-
17 scribes: (1) the dates for achieving key milestones, includ-
18 ing the date or timeframes that the Secretary will certify
19 the program under subsection (a); and (2) the method-
20 ology to be followed to support the Secretary's certifi-
21 cation, as required under subsection (a).

22 (d) During the testing phase permitted by subsection
23 (a), no information gathered from passengers, foreign or
24 domestic air carriers, or reservation systems may be used
25 to screen aviation passengers, or delay or deny boarding

1 to such passengers, except in instances where passenger
2 names are matched to a Government watch list.

3 (e) None of the funds provided in this or previous
4 appropriations Acts may be utilized to develop or test algo-
5 rithms assigning risk to passengers whose names are not
6 on Government watch lists.

7 (f) None of the funds provided in this or any other
8 Act may be used for data or a database that is obtained
9 from or remains under the control of a non-Federal entity:
10 *Provided*, That this restriction shall not apply to Pas-
11 senger Name Record data obtained from air carriers.

12 SEC. 514. None of the funds made available in this
13 Act may be used to amend the oath of allegiance required
14 by section 337 of the Immigration and Nationality Act
15 (8 U.S.C. 1448).

16 SEC. 515. None of the funds appropriated by this Act
17 may be used to process or approve a competition under
18 Office of Management and Budget Circular A-76 for serv-
19 ices provided as of June 1, 2004, by employees (including
20 employees serving on a temporary or term basis) of United
21 States Citizenship and Immigration Services of the De-
22 partment of Homeland Security who are known as of that
23 date as Immigration Information Officers, Contact Rep-
24 resentatives, or Investigative Assistants.

1 SEC. 516. None of the funds appropriated to the
2 United States Secret Service by this Act or by previous
3 appropriations Acts may be made available for the protec-
4 tion of the head of a Federal agency other than the Sec-
5 retary of Homeland Security: *Provided*, That the Director
6 of the United States Secret Service may enter into an
7 agreement to perform such service on a fully reimbursable
8 basis.

9 SEC. 517. Section 517(b) of the Department of
10 Homeland Security Appropriations Act, 2007 (18 U.S.C.
11 3056 note) is amended to read as follows:

12 “(b) For fiscal year 2008, and each fiscal year there-
13 after, the Director of the United States Secret Service
14 may enter into an agreement to perform protection of a
15 Federal official other than a person granted protection
16 under section 3056(a) of title 18, United States Code, on
17 a fully reimbursable basis.”.

18 SEC. 518. (a) The Secretary of Homeland Security
19 shall research, develop, and procure new technologies to
20 inspect and screen air cargo carried on passenger aircraft
21 at the earliest date possible.

22 (b) Existing checked baggage explosive detection
23 equipment and screeners shall be utilized to screen air
24 cargo carried on passenger aircraft to the greatest extent

1 practicable at each airport until technologies developed
2 under subsection (a) are available.

3 (c) The Assistant Secretary (Transportation Security
4 Administration) shall work with air carriers and airports
5 to ensure that the screening of cargo carried on passenger
6 aircraft, as defined in section 44901(g)(5) of title 49,
7 United States Code, increases incrementally each quarter.

8 (d) Not later than 45 days after the end of each quar-
9 ter, the Assistant Secretary (Transportation Security Ad-
10 ministration) shall submit to the Committees on Appro-
11 priations of the Senate and the House of Representatives
12 a report on air cargo inspection statistics by airport and
13 air carrier detailing the incremental progress being made
14 to meet section 44901(g)(2) of title 49, United States
15 Code.

16 SEC. 519. None of the funds made available in this
17 Act may be used by any person other than the Privacy
18 Officer appointed under section 222 of the Homeland Se-
19 curity Act of 2002 (6 U.S.C. 142) to alter, direct that
20 changes be made to, delay, or prohibit the transmission
21 to Congress of any report prepared under paragraph (6)
22 of such section.

23 SEC. 520. No funding made available to the Depart-
24 ment of Homeland Security in this Act shall be available
25 to pay the salary of any employee serving as a contracting

1 officer's technical representative (COTR), or anyone act-
2 ing in a similar capacity, who has not received COTR
3 training.

4 SEC. 521. Except as provided in section 44945 of title
5 49, United States Code, funds appropriated or transferred
6 to Transportation Security Administration "Aviation Se-
7 curity", "Administration" and "Transportation Security
8 Support" for fiscal years 2004, 2005, 2006, and 2007
9 that are recovered or deobligated shall be available only
10 for the procurement or installation of explosives detection
11 systems, for air cargo, baggage, and checkpoint screening
12 systems, subject to notification: *Provided*, That quarterly
13 reports shall be submitted to the Committees on Appro-
14 priations of the Senate and the House of Representatives
15 on any funds that are recovered or deobligated.

16 SEC. 522. Section 525(d) of the Department of
17 Homeland Security Appropriations Act, 2007 (Public Law
18 109-295; 120 Stat. 1382) shall apply to fiscal year 2008.

19 SEC. 523. Any funds appropriated to United States
20 Coast Guard, "Acquisition, Construction, and Improve-
21 ments" for fiscal years 2002, 2003, 2004, 2005, and 2006
22 for the 110-123 foot patrol boat conversion that are recov-
23 ered, collected, or otherwise received as the result of nego-
24 tiation, mediation, or litigation, shall be available until ex-

1 pending for the Replacement Patrol Boat (FRC-B) pro-
2 gram.

3 SEC. 524. The Department of Homeland Security
4 Working Capital Fund, established pursuant to section
5 403 of Public Law 103-356 (31 U.S.C. 501 note), shall
6 continue operations during fiscal year 2008.

7 SEC. 525. None of the funds provided in this Act
8 shall be available to commence operations of the National
9 Applications Office or the National Immigration Informa-
10 tion Sharing Operation until the Secretary certifies that
11 these programs comply with all existing laws, including all
12 applicable privacy and civil liberties standards, and that
13 certification is reviewed by the Government Accountability
14 Office.

15 SEC. 526. Within 45 days after the close of each
16 month, the Chief Financial Officer of the Department of
17 Homeland Security shall submit to the Committees on Ap-
18 propriations of the Senate and the House of Representa-
19 tives a monthly budget and staffing report that includes
20 total obligations, on-board versus funded full-time equiva-
21 lent staffing levels, and the number of contract employees
22 by office.

23 SEC. 527. Section 532(a) of Public Law 109-295 is
24 amended by striking "2007" and inserting "2008".

1 SEC. 528. None of the funds made available by this
2 Act shall be used in contravention of the Federal buildings
3 performance and reporting requirements of Executive
4 Order No. 13123, part 3 of title V of the National Energy
5 Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-
6 title A of title I of the Energy Policy Act of 2005 (includ-
7 ing the amendments made thereby).

8 SEC. 529. The functions of the Federal Law Enforce-
9 ment Training Center instructor staff shall be classified
10 as inherently governmental for the purpose of the Federal
11 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
12 note).

13 SEC. 530. None of the funds made available in this
14 Act may be used in contravention of section 303 of the
15 Energy Policy Act of 1992 (42 U.S.C. 13212).

16 SEC. 531. None of the funds made available by this
17 Act may be used to take an action that would violate Exec-
18 utive Order No. 13149 (65 Fed. Reg. 24607; relating to
19 greening the Government through Federal fleet and trans-
20 portation efficiency).

21 SEC. 532. Subsections (a), (b), and (d)(1) of section
22 6402 of the U.S. Troop Readiness, Veterans' Care,
23 Katrina Recovery, and Iraq Accountability Appropriations
24 Act, 2007 (Public Law 110-28) shall apply to fiscal year
25 2008.

1 SEC. 533. None of the funds provided by this or any
2 other Act may be obligated for the development, testing,
3 deployment, or operation of any system related to the
4 MAX-HR project, or any subsequent but related human
5 resources management project, until any pending litiga-
6 tion concerning such activities is resolved, and any legal
7 claim or appeal by either party has been fully resolved.

8 SEC. 534. Section 550 of the Department of Home-
9 land Security Appropriations Act, 2007 (6 U.S.C. 121
10 note) is amended by adding at the end the following:

11 “(h) This section shall not preclude or deny any right
12 of any State or political subdivision thereof to adopt or
13 enforce any regulation, requirement, or standard of per-
14 formance with respect to chemical facility security that is
15 more stringent than a regulation, requirement, or stand-
16 ard of performance issued under this section, or otherwise
17 impair any right or jurisdiction of any State with respect
18 to chemical facilities within that State, unless there is an
19 actual conflict between this section and the law of that
20 State.”.

21 SEC. 535. (a) AMENDMENTS RELATING TO THE
22 CIVIL SERVICE RETIREMENT SYSTEM.—

23 (1) DEFINITIONS.—Section 8331 of title 5,
24 United States Code, is amended—

1 (A) by striking “and” at the end of para-
2 graph (28), by striking the period at the end of
3 the first paragraph (29) and inserting a semi-
4 colon, by redesignating the second paragraph
5 (29) as paragraph (30), and by striking the pe-
6 riod at the end of paragraph (30) (as so redes-
7 ignated) and inserting “; and”; and

8 (B) by adding at the end the following:

9 “(31) ‘customs and border protection officer’
10 means an employee in the Department of Homeland
11 Security (A) who holds a position within the GS-
12 1895 job series (determined applying the criteria in
13 effect as of September 1, 2007) or any successor po-
14 sition, and (B) whose duties include activities relat-
15 ing to the arrival and departure of persons, convey-
16 ances, and merchandise at ports of entry, including
17 any such employee who is transferred directly to a
18 supervisory or administrative position in the Depart-
19 ment of Homeland Security after performing such
20 duties (as described in subparagraph (B)) in 1 or
21 more positions (as described in subparagraph (A))
22 for at least 3 years.”.

23 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
24 ITS.—Section 8334 of title 5, United States Code, is
25 amended—

1 (A) in subsection (a)(1)(A), by striking “or
2 nuclear materials courier,” and inserting “nu-
3 clear materials courier, or customs and border
4 protection officer,”; and
5 (B) in the table contained in subsection
6 (c), by adding at the end the following:

“Customs and border protec-
tion officer

7.5

After June 29, 2008.”.

7 (3) MANDATORY SEPARATION.—The first sen-
8 tence of section 8335(b)(1) of title 5, United States
9 Code, is amended by striking “or nuclear materials
10 courier” and inserting “nuclear materials courier, or
11 customs and border protection officer”.

12 (4) IMMEDIATE RETIREMENT.—Section 8336 of
13 title 5, United States Code, is amended—

14 (A) in subsection (c)(1), by striking “or
15 nuclear materials courier” and inserting “nu-
16 clear materials courier, or customs and border
17 protection officer”; and

18 (B) in subsections (m) and (n), by striking
19 “or as a law enforcement officer,” and inserting
20 “as a law enforcement officer, or as a customs
21 and border protection officer.”.

22 (b) AMENDMENTS RELATING TO THE FEDERAL EM-
23 PLOYEES’ RETIREMENT SYSTEM.—

1 (1) DEFINITIONS.—Section 8401 of title 5,
2 United States Code, is amended—

3 (A) in paragraph (34), by striking “and”
4 at the end;

5 (B) in paragraph (35), by striking the pe-
6 riod and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(36) the term ‘customs and border protection
9 officer’ means an employee in the Department of
10 Homeland Security (A) who holds a position within
11 the GS-1895 job series (determined applying the cri-
12 teria in effect as of September 1, 2007) or any suc-
13 cessor position, and (B) whose duties include activi-
14 ties relating to the arrival and departure of persons,
15 conveyances, and merchandise at ports of entry, in-
16 cluding any such employee who is transferred di-
17 rectly to a supervisory or administrative position in
18 the Department of Homeland Security after per-
19 forming such duties (as described in subparagraph
20 (B)) in 1 or more positions (as described in subpara-
21 graph (A)) for at least 3 years.”.

22 (2) IMMEDIATE RETIREMENT.—Paragraphs (1)
23 and (2) of section 8412(d) of title 5, United States
24 Code, are amended by striking “or nuclear materials

1 courier,” and inserting “nuclear materials courier,
2 or customs and border protection officer,”.

3 (3) COMPUTATION OF BASIC ANNUITY.—Section
4 8415(h)(2) of title 5, United States Code, is amend-
5 ed by striking “or air traffic controller.” and insert-
6 ing “air traffic controller, or customs and border
7 protection officer”.

8 (4) DEDUCTIONS FROM PAY.—The table con-
9 tained in section 8422(a)(3) of title 5, United States
10 Code, is amended by adding at the end the fol-
11 lowing:

“Customs and border protec-
tion officer

7.5

After June 29, 2008.”.

12 (5) GOVERNMENT CONTRIBUTIONS.—Para-
13 graphs (1)(B)(i) and (3) of section 8423(a) of title
14 5, United States Code, are amended by inserting
15 “customs and border protection officers,” after “nu-
16 clear materials couriers,” each place it appears.

17 (6) MANDATORY SEPARATION.—Section
18 8425(b)(1) of title 5, United States Code, is amend-
19 ed—

20 (A) by striking “or nuclear materials cou-
21 rier who” and inserting “nuclear materials cou-
22 rier, or customs and border protection officer
23 who”; and

1 (B) by striking “or nuclear materials cou-
2 rier,” and inserting “nuclear materials courier,
3 or customs and border protection officer”.

4 (c) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—

5 Section 3307 of title 5, United States Code, is amended
6 by adding at the end the following:

7 “(g) The Secretary of Homeland Security may deter-
8 mine and fix the maximum age limit for an original ap-
9 pointment to a position as a customs and border protec-
10 tion officer, as defined by section 8401(36).”.

11 (d) REGULATIONS.—Any regulations necessary to
12 carry out the amendments made by this section shall be
13 prescribed by the Director of the Office of Personnel Man-
14 agement in consultation with the Secretary of Homeland
15 Security.

16 (e) EFFECTIVE DATE; TRANSITION RULES.—

17 (1) EFFECTIVE DATE.—The amendments made
18 by this section shall become effective on the later of
19 June 30, 2008, or the first day of the first pay pe-
20 riod beginning at least 6 months after the date of
21 the enactment of this Act.

22 (2) TRANSITION RULES.—

23 (A) NONAPPLICABILITY OF MANDATORY
24 SEPARATION PROVISIONS TO CERTAIN INDIVID-
25 UALS.—The amendments made by subsections

1 (a)(3) and (b)(6), respectively, shall not apply
2 to an individual first appointed as a customs
3 and border protection officer before the effective
4 date under paragraph (1).

5 (B) TREATMENT OF PRIOR CBPO SERV-
6 ICE.—

7 (i) GENERAL RULE.—Except as pro-
8 vided in clause (ii), nothing in this section
9 or any amendment made by this section
10 shall be considered to apply with respect to
11 any service performed as a customs and
12 border protection officer before the effec-
13 tive date under paragraph (1).

14 (ii) EXCEPTION.—Service described in
15 section 8331(31) or 8401(36) of title 5,
16 United States Code (as amended by this
17 section) rendered before the effective date
18 under paragraph (1) may be taken into ac-
19 count to determine if an individual who is
20 serving on or after such effective date then
21 qualifies as a customs and border protec-
22 tion officer by virtue of holding a super-
23 visory or administrative position in the De-
24 partment of Homeland Security.

1 (C) MINIMUM ANNUITY AMOUNT.—The an-
2 nuity of an individual serving as a customs and
3 border protection officer on the effective date
4 under paragraph (1) pursuant to an appoint-
5 ment made before that date shall, to the extent
6 that its computation is based on service ren-
7 dered as a customs and border protection offi-
8 cer on or after that date, be at least equal to
9 the amount that would be payable—

10 (i) to the extent that such service is
11 subject to the Civil Service Retirement
12 System, by applying section 8339(d) of
13 title 5, United States Code, with respect to
14 such service; and

15 (ii) to the extent such service is sub-
16 ject to the Federal Employees' Retirement
17 System, by applying section 8415(d) of
18 title 5, United States Code, with respect to
19 such service.

20 (D) RULE OF CONSTRUCTION.—Nothing in
21 the amendment made by subsection (c) shall be
22 considered to apply with respect to any appoint-
23 ment made before the effective date under para-
24 graph (1).

25 (3) ELECTION.—

1 (A) INCUMBENT DEFINED.—For purposes
2 of this paragraph, the term “incumbent” means
3 an individual who is serving as a customs and
4 border protection officer on the date of the en-
5 actment of this Act.

6 (B) NOTICE REQUIREMENT.—Not later
7 than 30 days after the date of the enactment of
8 this Act, the Director of the Office of Personnel
9 Management shall take measures reasonably de-
10 signed to ensure that incumbents are notified
11 as to their election rights under this paragraph,
12 and the effect of making or not making a time-
13 ly election.

14 (C) ELECTION AVAILABLE TO INCUM-
15 BENTS.—

16 (i) IN GENERAL.—An incumbent may
17 elect, for all purposes, either—

18 (I) to be treated in accordance
19 with the amendments made by sub-
20 section (a) or (b), as applicable; or

21 (II) to be treated as if sub-
22 sections (a) and (b) had never been
23 enacted.

24 Failure to make a timely election under
25 this paragraph shall be treated in the same

1 way as an election made under subclause
2 (I) on the last day allowable under clause
3 (ii).

4 (ii) DEADLINE.—An election under
5 this paragraph shall not be effective unless
6 it is made at least 14 days before the ef-
7 fective date under paragraph (1).

8 (4) DEFINITION.—For purposes of this sub-
9 section, the term “customs and border protection of-
10 ficer” has the meaning given such term by section
11 8331(31) or 8401(36) of title 5, United States Code
12 (as amended by this section).

13 (5) EXCLUSION.—Nothing in this section or
14 any amendment made by this section shall be consid-
15 ered to afford any election or to otherwise apply with
16 respect to any individual who, as of the day before
17 the date of the enactment of this Act—

18 (A) holds a position within U.S. Customs
19 and Border Protection; and

20 (B) is considered a law enforcement officer
21 for purposes of subchapter III of chapter 83 or
22 chapter 84 of title 5, United States Code, by
23 virtue of such position.

24 SEC. 536. In fiscal year 2008, none of funds made
25 available in this or any other Act may be used to enforce

1 section 4025(1) of Public Law 108–458 unless the Assist-
2 ant Secretary (Transportation Security Administration)
3 reverses the determination of July 19, 2007, that butane
4 lighters are not a significant threat to civil aviation secu-
5 rity.

6 SEC. 537. None of the funds provided in this Act may
7 be used to alter or reduce operations within the Civil Engi-
8 neering Program of the Coast Guard nationwide, including
9 the civil engineering units, facilities, design and construc-
10 tion centers, maintenance and logistics command centers,
11 and the Coast Guard Academy, except as specifically au-
12 thorized by a statute enacted after the date of enactment
13 of this Act.

14 SEC. 538. The cumulative amount appropriated in
15 title I of this Act for the “Office of the Secretary and
16 Executive Management” and the “Office of the Under
17 Secretary for Management” shall be reduced by
18 \$5,000,000.

19 SEC. 539. (a) Except as provided in subsection (b),
20 none of the funds appropriated in this Act to the Office
21 of the Secretary and Executive Management, the Office
22 of the Under Secretary for Management and the Office
23 of the Chief Financial Officer, may be obligated for a
24 grant or contract awarded by a means other than full and
25 open competition.

1 (b) This section does not apply to obligation of funds
2 for a contract awarded—

3 (1) by a means that is required by a Federal
4 statute, including obligation for a purchase made
5 under a mandated preferential program, such as the
6 AbilityOne Program, that is authorized under the
7 Javits-Wagner-O'Day Act (41 U.S.C. 46–48c); or

8 (2) under the Small Business Act (15 U.S.C.
9 631 et seq.).

10 (c) The Secretary of Homeland Security may waive
11 the application of this section to the award of a contract
12 in the period of a national emergency determined by the
13 Secretary.

14 (d) In addition to the requirements established by
15 this section, the Inspector General for the Department of
16 Homeland Security shall review departmental contracts
17 awarded through other than full and open competition to
18 assess departmental compliance with applicable laws and
19 regulations: *Provided*, That the Inspector General shall re-
20 view selected contracts awarded during the previous fiscal
21 year through other than full and open competition: *Pro-*
22 *vided further*, That in determining which contracts to re-
23 view, the Inspector General shall consider the cost and
24 complexity of the goods and services to be provided under
25 the contract, the criticality of the contract to fulfilling De-

1 partment missions, past performance problems on similar
2 contracts or by the selected vendor, complaints received
3 about the award process or contractor performance, and
4 such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall
5 report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives.
6
7
8

9 SEC. 540. Section 44940(a)(2) of title 49, United
10 States Code, is amended by striking the period in the last
11 sentence of subparagraph (A) and the clause (iv) of subparagraph B and adding the following, "except for estimates and additional collections made pursuant to the appropriation for Aviation Security in Public Law 108-334:
12
13
14
15 *Provided*, That such judicial review shall be pursuant to
16 section 46110 of title 49, United States Code: *Provided further*, That such judicial review shall be limited only to
17 additional amounts collected by the Secretary before October 1, 2007."

18
19
20 SEC. 541. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any
21
22
23 Robert T. Stafford Disaster Relief and Emergency Assistance Act declared disasters or emergencies.
24

1 SEC. 542. Section 46301(a) of title 49, United States
2 Code, is amended by adding at the end the following:

3 “(6) FAILURE TO COLLECT AIRPORT SECU-
4 RITY BADGES.—Notwithstanding paragraph (1), any
5 employer (other than a governmental entity or air-
6 port operator) who employs an employee to whom an
7 airport security badge or other identifier used to ob-
8 tain access to a secure area of an airport is issued
9 before, on, or after the date of enactment of this
10 paragraph and who does not collect or make reason-
11 able efforts to collect such badge from the employee
12 on the date that the employment of the employee is
13 terminated and does not notify the operator of the
14 airport of such termination within 24 hours of the
15 date of such termination shall be liable to the Gov-
16 ernment for a civil penalty not to exceed \$10,000.”.

17 SEC. 543. None of the funds made available in this
18 Act may be used by United States Citizenship and Immi-
19 gration Services to grant an immigration benefit to ~~any~~ individual
20 ~~individual~~ unless the results of background checks re-
21 quired by law to be completed prior to the grant of the
22 benefit have been received by United States Citizenship
23 and Immigration Services, and the results do not preclude
24 the grant of the benefit.

1 SEC. 544. None of the funds made available in this
2 Act may be used to destroy or put out to pasture any horse
3 or other equine belonging to the Federal Government that
4 has become unfit for service, unless the trainer or handler
5 is first given the option to take possession of the equine
6 through an adoption program that has safeguards against
7 slaughter and inhumane treatment.

8 SEC. 545. EXTENSION OF THE IMPLEMENTATION
9 DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL
10 INITIATIVE. Subparagraph (A) of section 7209(b)(1) of
11 the Intelligence Reform and Terrorism Prevention Act of
12 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is
13 amended by striking “This plan shall be implemented not
14 later than three months after the Secretary of State and
15 the Secretary of Homeland Security make the certifi-
16 cations required in subsection (B), or June 1, 2009,
17 whichever is earlier.” and inserting “Such plan may not
18 be implemented earlier than the date that is the later of
19 3 months after the Secretary of State and the Secretary
20 of Homeland Security make the certification required in
21 subparagraph (B) or June 1, 2009.”.

22 SEC. 546. None of the funds provided in this Act
23 shall be available to carry out section 872 of Public Law
24 107-296.

1 SEC. 547. None of the funds provided in this Act
2 under the heading "Office of the Chief Information Offi-
3 cer" shall be used for data center development other than
4 for the National Center for Critical Information Proc-
5 essing and Storage until the Chief Information Officer cer-
6 tifies that the National Center for Critical Information
7 Processing and Storage is fully utilized, to the maximum
8 extent feasible, as the Department's primary data storage
9 center at the highest capacity throughout the fiscal year.

10 SEC. 548. None of the funds in this Act shall be used
11 to reduce the United States Coast Guard's Operations
12 Systems Center mission or its government-employed or
13 contract staff levels.

14 SEC. 549. None of the funds appropriated by this Act
15 may be used to conduct, or to implement the results of,
16 a competition under Office of Management and Budget
17 Circular A-76 for activities performed with respect to the
18 Coast Guard National Vessel Documentation Center.

19 SEC. 550. (a) Notwithstanding section 503 of this
20 Act, up to \$24,000,000 from prior year balances currently
21 available to the Transportation Security Administration
22 may be transferred to "Transportation Threat Assessment
23 and Credentialing" for the Secure Flight program.

24 (b) In carrying out the transfer authority under sub-
25 section (a), the Transportation Security Administration

1 shall not utilize any prior year balances from the following
2 programs: screener partnership program; explosives detec-
3 tion system purchase; explosives detection system installa-
4 tion; checkpoint support; aviation regulation and other en-
5 forcement; air cargo; and air cargo research and develop-
6 ment: *Provided*, That any funds proposed to be trans-
7 ferred under this section shall not be available for obliga-
8 tion until the Committees on Appropriations of the Senate
9 and the House of Representatives receive and approve a
10 plan for expenditure for such funds that is submitted by
11 the Secretary of Homeland Security: *Provided further*,
12 That the plan shall be submitted simultaneously to the
13 Government Accountability Office for review consistent
14 with its ongoing assessment of the Secure Flight Program
15 as mandated by section 522(a) of Public Law 108-334
16 (118 Stat. 1319).

17 SEC. 551. RESCISSIONS. (a) The following unobli-
18 gated balances made available pursuant to section 505 of
19 Public Law 109-295 are rescinded: \$2,003,441 from U.S.
20 Customs and Border Protection "Salaries and Expenses";
21 \$9,583,611 from Coast Guard "Operating Expenses";
22 \$672,230 from "United States Citizenship and Immigra-
23 tion Services"; \$2,790,513 from Federal Emergency Man-
24 agement Agency "Management and Administration";
25 \$127,994 from Federal Emergency Management Agency

1 “Disaster Assistance Direct Loan Program Account”;
2 \$5,136,819 from U.S. Immigration and Customs Enforce-
3 ment “Salaries and Expenses”; \$333,520 from Federal
4 Law Enforcement Training Center “Salaries and Ex-
5 penses”; \$4,211,376 from the “Office of the Secretary and
6 Executive Management”; \$443,672 from the “Office of
7 the Under Secretary for Management”; \$380,166 from
8 the “Office of the Chief Financial Officer”; \$493,106 from
9 the “Office of the Chief Information Officer”; \$368,166
10 from Domestic Nuclear Detection Office “Management
11 and Administration”; \$45,369 from the “Office of Health
12 Affairs”; \$32,299 from the “Office of Inspector General”;
13 \$1,994,454 from National Protection and Programs Di-
14 rectorate “Management and Administration”; and
15 \$216,727 from Science and Technology “Management and
16 Administration”.

17 (b) From the unobligated balances of funds trans-
18 ferred to the Department of Homeland Security when it
19 was created in 2003, \$59,286,537 are rescinded: *Provided*,
20 That the rescission made under this subsection shall not
21 be executed from the following programs: Coast Guard Re-
22 tired Pay; U.S. Immigration and Customs Enforcement
23 Violent Crime Reduction Program; Federal Law Enforce-
24 ment Training Center Instructor Salaries; and Federal

1 Emergency Management Agency National Security Sup-
2 port.

3 (c) Of the amounts available under the heading
4 "Counterterrorism Fund", \$8,480,000 are rescinded.

5 (d) Of the unobligated balances available in the "De-
6 partment of Homeland Security, Transportation Security
7 Administration Expenses" account, \$4,500,000 are re-
8 scinded.

9 SEC. 552. Notwithstanding any other provision of
10 law, the Secretary of Homeland Security shall, under the
11 Federal Emergency Management Agency Public Assist-
12 ance Program, provide a single payment for any eligible
13 costs for local educational agencies impacted by Hurri-
14 canes Katrina or Rita within 30 days of such request: *Pro-*
15 *vided*, That the payment for schools in Louisiana shall be
16 submitted to the Louisiana Department of Education,
17 which may expend up to three percent of those funds for
18 administrative costs: *Provided further*, That the Federal
19 Emergency Management Agency shall not reduce assist-
20 ance in accordance with section 406(c)(1) of the Robert
21 T. Stafford Disaster Relief and Emergency Assistance Act
22 for local educational agencies impacted by Hurricanes
23 Katrina or Rita: *Provided further*, That nothing in the pre-
24 vious ~~provision~~ shall be construed to alter the appeals or
25 review process: *Provided further*, That section 406(d) of

proviso

1 the Robert T. Stafford Disaster Relief and Emergency As-
2 sistance Act shall not apply to more than one facility on
3 a school site impacted by Hurricanes Katrina or Rita.

4 SEC. 553. TECHNICAL CORRECTIONS. (a) IN GEN-
5 ERAL.—

6 (1) REDESIGNATIONS.—Chapter 27 of title 18,
7 United States Code, is amended by redesignating
8 section 554 added by section 551(a) of the Depart-
9 ment of Homeland Security Appropriations Act,
10 2007 (Public Law 109–295; 120 Stat. 1389) (relat-
11 ing to border tunnels and passages) as section 555.

12 (2) TABLE OF SECTIONS.—The table of sections
13 for chapter 27 of title 18, United States Code, is
14 amended by striking the item relating to section
15 554, “Border tunnels and passages”, and inserting
16 the following:

“555. Border tunnels and passages.”.

17 (b) CRIMINAL FORFEITURE.—Section 982(a)(6) of
18 title 18, United States Code, is amended by striking
19 “554” and inserting “555”.

20 (c) DIRECTIVE TO THE UNITED STATES SEN-
21 TENCING COMMISSION.—Section 551(d) of the Depart-
22 ment of Homeland Security Appropriations Act, 2007
23 (Public Law 109–295; 120 Stat. 1390) is amended in
24 paragraphs (1) and (2)(A) by striking “554” and insert-
25 ing “555”.

1 SEC. 554. Sections 2241, 2242, 2243, and 2244 of
2 title 18, United States Code, are each amended by striking
3 “the Attorney General” each place that term appears and
4 inserting “the head of any Federal department or agen-
5 cy”.

6 SEC. 555. Not later than 30 days after the date of
7 enactment of this Act—

8 (1) the Secretary of Homeland Security shall
9 establish and maintain on the homepage of the
10 website of the Department of Homeland Security, a
11 direct link to the website of the Office of Inspector
12 General of the Department of Homeland Security;
13 and

14 (2) the Inspector General of the Department of
15 Homeland Security shall establish and maintain on
16 the homepage of the website of the Office of Inspec-
17 tor General a direct link for individuals to anony-
18 mously report waste, fraud, or abuse.

19 SEC. 556. The Secretary of Homeland Security shall
20 require that all contracts of the Department of Homeland
21 Security that provide award fees link such fees to success-
22 ful acquisition outcomes (which outcomes shall be speci-
23 fied in terms of cost, schedule, and performance).

24 SEC. 557. None of the funds made available to the
25 Office of the Secretary and Executive Management under

1 this Act may be expended for any new hires by the Depart-
2 ment of Homeland Security that are not verified through
3 the basic pilot program required under section 401 of the
4 Illegal Immigration Reform and Immigrant Responsibility
5 Act of 1996 (8 U.S.C. 1324a note).

6 SEC. 558. None of the funds made available in this
7 Act for U.S. Customs and Border Protection may be used
8 to prevent an individual not in the business of importing
9 a prescription drug (within the meaning of section 801(g)
10 of the Federal Food, Drug, and Cosmetic Act) from im-
11 porting a prescription drug from Canada that complies
12 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
13 That this section shall apply only to individuals trans-
14 porting on their person a personal-use quantity of the pre-
15 scription drug, not to exceed a 90-day supply: *Provided*
16 *further*, That the prescription drug may not be—

17 (1) a controlled substance, as defined in section
18 102 of the Controlled Substances Act (21 U.S.C.
19 802); or

20 (2) a biological product, as defined in section
21 351 of the Public Health Service Act (42 U.S.C.
22 262).

23 SEC. 559. None of the funds made available in this
24 Act may be used by the Secretary of Homeland Security
25 or any delegate of the Secretary to issue any rule or regu-

1 lation which implements the Notice of Proposed Rule-
2 making related to Petitions for Aliens To Perform Tem-
3 porary Nonagricultural Services or Labor (H-2B) set out
4 beginning on 70 Federal Register 3984 (January 27,
5 2005).

6 SEC. 560. Notwithstanding any other provision of
7 law, Watsonville Community Hospital, or its successor
8 trust, shall not be required to pay the Federal Emergency
9 Management Agency additional funds related to DR-845.

10 SEC. 561. Notwithstanding any other provision of
11 law, the Secretary of Homeland Security shall provide,
12 under the Federal Emergency Management Agency Public
13 Assistance Program, the relocation costs as estimated by
14 the Federal Emergency Management Agency on May 5,
15 2006, for the Peebles School in Iberia Parish, Louisiana,
16 which was damaged by Hurricane Rita in 2005.

17 SEC. 562. Notwithstanding any other provision of
18 law, the Secretary of Homeland Security shall provide,
19 under the Federal Emergency Management Agency Public
20 Assistance Program, the currently uncompensated debris
21 removal costs from Super Typhoon Paka and the fire-
22 fighting costs associated with the Malojloj hardfill fire in
23 1998.

24 SEC. 563. SECURE HANDLING OF AMMONIUM NI-
25 TRATE.—(a) IN GENERAL.—Title VIII of the Homeland

1 Security Act of 2002 (6 U.S.C. 361 et seq.) is amended
2 by adding at the end the following:

3 **“Subtitle J—Secure Handling of**
4 **Ammonium Nitrate**

5 **“SEC. 899A. DEFINITIONS.**

6 “In this subtitle:

7 “(1) AMMONIUM NITRATE.—The term ‘ammo-
8 nium nitrate’ means—

9 “(A) solid ammonium nitrate that is chief-
10 ly the ammonium salt of nitric acid and con-
11 tains not less than 33 percent nitrogen by
12 weight; and

13 “(B) any mixture containing a percentage
14 of ammonium nitrate that is equal to or greater
15 than the percentage determined by the Sec-
16 retary under section 899B(b).

17 “(2) AMMONIUM NITRATE FACILITY.—The term
18 ‘ammonium nitrate facility’ means any entity that
19 produces, sells or otherwise transfers ownership of,
20 or provides application services for ammonium ni-
21 trate.

22 “(3) AMMONIUM NITRATE PURCHASER.—The
23 term ‘ammonium nitrate purchaser’ means any per-
24 son who purchases ammonium nitrate from an am-
25 monium nitrate facility.

1 **“SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF**
2 **AMMONIUM NITRATE.**

3 “(a) IN GENERAL.—The Secretary shall regulate the
4 sale and transfer of ammonium nitrate by an ammonium
5 nitrate facility in accordance with this subtitle to prevent
6 the misappropriation or use of ammonium nitrate in an
7 act of terrorism.

8 “(b) AMMONIUM NITRATE MIXTURES.—Not later
9 than 90 days after the date of the enactment of this sub-
10 title, the Secretary, in consultation with the heads of ap-
11 propriate Federal departments and agencies (including the
12 Secretary of Agriculture), shall, after notice and an oppor-
13 tunity for comment, establish a threshold percentage for
14 ammonium nitrate in a substance.

15 “(c) REGISTRATION OF OWNERS OF AMMONIUM NI-
16 TRATE FACILITIES.—

17 “(1) REGISTRATION.—The Secretary shall es-
18 tablish a process by which any person that—

19 “(A) owns an ammonium nitrate facility is
20 required to register with the Department; and

21 “(B) registers under subparagraph (A) is
22 issued a registration number for purposes of
23 this subtitle.

24 “(2) REGISTRATION INFORMATION.—Any per-
25 son applying to register under paragraph (1) shall
26 submit to the Secretary—

1 “(A) the name, address, and telephone
2 number of each ammonium nitrate facility
3 owned by that person;

4 “(B) the name of the person designated by
5 that person as the point of contact for each
6 such facility, for purposes of this subtitle; and

7 “(C) such other information as the Sec-
8 retary may determine is appropriate.

9 “(d) REGISTRATION OF AMMONIUM NITRATE PUR-
10 CHASERS.—

11 “(1) REGISTRATION.—The Secretary shall es-
12 tablish a process by which any person that—

13 “(A) intends to be an ammonium nitrate
14 purchaser is required to register with the De-
15 partment; and

16 “(B) registers under subparagraph (A) is
17 issued a registration number for purposes of
18 this subtitle.

19 “(2) REGISTRATION INFORMATION.—Any per-
20 son applying to register under paragraph (1) as an
21 ammonium nitrate purchaser shall submit to the
22 Secretary—

23 “(A) the name, address, and telephone
24 number of the applicant; and

1 “(B) the intended use of ammonium ni-
2 trate to be purchased by the applicant.

3 “(e) RECORDS.—

4 “(1) MAINTENANCE OF RECORDS.—The owner
5 of an ammonium nitrate facility shall—

6 “(A) maintain a record of each sale or
7 transfer of ammonium nitrate, during the two-
8 year period beginning on the date of that sale
9 or transfer; and

10 “(B) include in such record the informa-
11 tion described in paragraph (2).

12 “(2) SPECIFIC INFORMATION REQUIRED.—For
13 each sale or transfer of ammonium nitrate, the
14 owner of an ammonium nitrate facility shall—

15 “(A) record the name, address, telephone
16 number, and registration number issued under
17 subsection (c) or (d) of each person that pur-
18 chases ammonium nitrate, in a manner pre-
19 scribed by the Secretary;

20 “(B) if applicable, record the name, ad-
21 dress, and telephone number of an agent acting
22 on behalf of the person described in subpara-
23 graph (A), at the point of sale;

24 “(C) record the date and quantity of am-
25 monium nitrate sold or transferred; and

1 “(D) verify the identity of the persons de-
2 scribed in subparagraphs (A) and (B), as appli-
3 cable, in accordance with a procedure estab-
4 lished by the Secretary.

5 “(3) PROTECTION OF INFORMATION.—In main-
6 taining records in accordance with paragraph (1),
7 the owner of an ammonium nitrate facility shall take
8 reasonable actions to ensure the protection of the in-
9 formation included in such records.

10 “(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The
11 Secretary may exempt from this subtitle a person pro-
12 ducing, selling, or purchasing ammonium nitrate exclu-
13 sively for use in the production of an explosive under a
14 license or permit issued under chapter 40 of title 18,
15 United States Code.

16 “(g) CONSULTATION.—In carrying out this section,
17 the Secretary shall consult with the Secretary of Agri-
18 culture, States, and appropriate private sector entities, to
19 ensure that the access of agricultural producers to ammo-
20 nium nitrate is not unduly burdened.

21 “(h) DATA CONFIDENTIALITY.—

22 “(1) IN GENERAL.—Notwithstanding section
23 552 of title 5, United States Code, or the USA PA-
24 TRIOT ACT (Public Law 107-56; 115 Stat. 272),
25 and except as provided in paragraph (2), the Sec-

1 retary may not disclose to any person any informa-
2 tion obtained under this subtitle.

3 “(2) EXCEPTION.—The Secretary may disclose
4 any information obtained by the Secretary under
5 this subtitle to—

6 “(A) an officer or employee of the United
7 States, or a person that has entered into a con-
8 tract with the United States, who has a need to
9 know the information to perform the duties of
10 the officer, employee, or person; or

11 “(B) to a State agency under section
12 899D, under appropriate arrangements to en-
13 sure the protection of the information.

14 “(i) REGISTRATION PROCEDURES AND CHECK OF
15 TERRORIST SCREENING DATABASE.—

16 “(1) REGISTRATION PROCEDURES.—

17 “(A) GENERALLY.—The Secretary shall
18 establish procedures to efficiently receive appli-
19 cations for registration numbers under this sub-
20 title, conduct the checks required under para-
21 graph (2), and promptly issue or deny a reg-
22 istration number.

23 “(B) INITIAL SIX-MONTH REGISTRATION
24 PERIOD.—The Secretary shall take steps to
25 maximize the number of registration applica-

1 tions that are submitted and processed during
2 the six-month period described in section
3 899F(e).

4 “(2) CHECK OF TERRORIST SCREENING DATA-
5 BASE.—

6 “(A) CHECK REQUIRED.—The Secretary
7 shall conduct a check of appropriate identifying
8 information of any person seeking to register
9 with the Department under subsection (c) or
10 (d) against identifying information that appears
11 in the terrorist screening database of the De-
12 partment.

13 “(B) AUTHORITY TO DENY REGISTRATION
14 NUMBER.—If the identifying information of a
15 person seeking to register with the Department
16 under subsection (c) or (d) appears in the ter-
17 rorist screening database of the Department,
18 the Secretary may deny issuance of a registra-
19 tion number under this subtitle.

20 “(3) EXPEDITED REVIEW OF APPLICATIONS.—

21 “(A) IN GENERAL.—Following the six-
22 month period described in section 899F(e), the
23 Secretary shall, to the extent practicable, issue
24 or deny registration numbers under this subtitle
25 not later than 72 hours after the time the Sec-

1 retary receives a complete registration applica-
2 tion, unless the Secretary determines, in the in-
3 terest of national security, that additional time
4 is necessary to review an application.

5 “(B) NOTICE OF APPLICATION STATUS.—

6 In all cases, the Secretary shall notify a person
7 seeking to register with the Department under
8 subsection (c) or (d) of the status of the appli-
9 cation of that person not later than 72 hours
10 after the time the Secretary receives a complete
11 registration application.

12 “(4) EXPEDITED APPEALS PROCESS.—

13 “(A) REQUIREMENT.—

14 “(i) APPEALS PROCESS.—The Sec-
15 retary shall establish an expedited appeals
16 process for persons denied a registration
17 number under this subtitle.

18 “(ii) TIME PERIOD FOR RESOLU-
19 TION.—The Secretary shall, to the extent
20 practicable, resolve appeals not later than
21 72 hours after receiving a complete request
22 for appeal unless the Secretary determines,
23 in the interest of national security, that
24 additional time is necessary to resolve an
25 appeal.

1 “(B) CONSULTATION.—The Secretary, in
2 developing the appeals process under subpara-
3 graph (A), shall consult with appropriate stake-
4 holders.

5 “(C) GUIDANCE.—The Secretary shall pro-
6 vide guidance regarding the procedures and in-
7 formation required for an appeal under sub-
8 paragraph (A) to any person denied a registra-
9 tion number under this subtitle.

10 “(5) RESTRICTIONS ON USE AND MAINTENANCE
11 OF INFORMATION.—

12 “(A) IN GENERAL.—Any information con-
13 stituting grounds for denial of a registration
14 number under this section shall be maintained
15 confidentially by the Secretary and may be used
16 only for making determinations under this sec-
17 tion.

18 “(B) SHARING OF INFORMATION.—Not-
19 withstanding any other provision of this sub-
20 title, the Secretary may share any such infor-
21 mation with Federal, State, local, and tribal law
22 enforcement agencies, as appropriate.

23 “(6) REGISTRATION INFORMATION.—

24 “(A) AUTHORITY TO REQUIRE INFORMA-
25 TION.—The Secretary may require a person ap-

1 plying for a registration number under this sub-
2 title to submit such information as may be nec-
3 essary to carry out the requirements of this sec-
4 tion.

5 “(B) REQUIREMENT TO UPDATE INFORMA-
6 TION.—The Secretary may require persons
7 issued a registration under this subtitle to up-
8 date registration information submitted to the
9 Secretary under this subtitle, as appropriate.

10 “(7) RE-CHECKS AGAINST TERRORIST SCREEN-
11 ING DATABASE.—

12 “(A) RE-CHECKS.—The Secretary shall, as
13 appropriate, recheck persons provided a reg-
14 istration number pursuant to this subtitle
15 against the terrorist screening database of the
16 Department, and may revoke such registration
17 number if the Secretary determines such person
18 may pose a threat to national security.

19 “(B) NOTICE OF REVOCATION.—The Sec-
20 retary shall, as appropriate, provide prior notice
21 to a person whose registration number is re-
22 voked under this section and such person shall
23 have an opportunity to appeal, as provided in
24 paragraph (4).

1 **"SEC. 899C. INSPECTION AND AUDITING OF RECORDS.**

2 "The Secretary shall establish a process for the peri-
3 odic inspection and auditing of the records maintained by
4 owners of ammonium nitrate facilities for the purpose of
5 monitoring compliance with this subtitle or for the purpose
6 of deterring or preventing the misappropriation or use of
7 ammonium nitrate in an act of terrorism.

8 **"SEC. 899D. ADMINISTRATIVE PROVISIONS.**

9 "(a) COOPERATIVE AGREEMENTS.—The Secretary—

10 "(1) may enter into a cooperative agreement
11 with the Secretary of Agriculture, or the head of any
12 State department of agriculture or its designee in-
13 volved in agricultural regulation, in consultation with
14 the State agency responsible for homeland security,
15 to carry out the provisions of this subtitle; and

16 "(2) wherever possible, shall seek to cooperate
17 with State agencies or their designees that oversee
18 ammonium nitrate facility operations when seeking
19 cooperative agreements to implement the registra-
20 tion and enforcement provisions of this subtitle.

21 "(b) DELEGATION.—

22 "(1) AUTHORITY.—The Secretary may delegate
23 to a State the authority to assist the Secretary in
24 the administration and enforcement of this subtitle.

25 "(2) DELEGATION REQUIRED.—At the request
26 of a Governor of a State, the Secretary shall dele-

1 gate to that State the authority to carry out func-
2 tions under sections 899B and 899C, if the Sec-
3 retary determines that the State is capable of satis-
4 factorily carrying out such functions.

5 “(3) FUNDING.—Subject to the availability of
6 appropriations, if the Secretary delegates functions
7 to a State under this subsection, the Secretary shall
8 provide to that State sufficient funds to carry out
9 the delegated functions.

10 “(c) PROVISION OF GUIDANCE AND NOTIFICATION
11 MATERIALS TO AMMONIUM NITRATE FACILITIES.—

12 “(1) GUIDANCE.—The Secretary shall make
13 available to each owner of an ammonium nitrate fa-
14 cility registered under section 899B(c)(1) guidance
15 on—

16 “(A) the identification of suspicious ammo-
17 nium nitrate purchases or transfers or at-
18 tempted purchases or transfers;

19 “(B) the appropriate course of action to be
20 taken by the ammonium nitrate facility owner
21 with respect to such a purchase or transfer or
22 attempted purchase or transfer, including—

23 “(i) exercising the right of the owner
24 of the ammonium nitrate facility to decline
25 sale of ammonium nitrate; and

1 “(ii) notifying appropriate law en-
2 forcement entities; and

3 “(C) additional subjects determined appro-
4 priate to prevent the misappropriation or use of
5 ammonium nitrate in an act of terrorism.

6 “(2) USE OF MATERIALS AND PROGRAMS.—In
7 providing guidance under this subsection, the Sec-
8 retary shall, to the extent practicable, leverage any
9 relevant materials and programs.

10 “(3) NOTIFICATION MATERIALS.—

11 “(A) IN GENERAL.—The Secretary shall
12 make available materials suitable for posting at
13 locations where ammonium nitrate is sold.

14 “(B) DESIGN OF MATERIALS.—Materials
15 made available under subparagraph (A) shall be
16 designed to notify prospective ammonium ni-
17 trate purchasers of—

18 “(i) the record-keeping requirements
19 under section 899B; and

20 “(ii) the penalties for violating such
21 requirements.

22 **“SEC. 899E. THEFT REPORTING REQUIREMENT.**

23 “Any person who is required to comply with section
24 899B(e) who has knowledge of the theft or unexplained
25 loss of ammonium nitrate shall report such theft or loss

1 to the appropriate Federal law enforcement authorities not
2 later than 1 calendar day of the date on which the person
3 becomes aware of such theft or loss. Upon receipt of such
4 report, the relevant Federal authorities shall inform State,
5 local, and tribal law enforcement entities, as appropriate.

6 **“SEC. 899F. PROHIBITIONS AND PENALTY.**

7 “(a) PROHIBITIONS.—

8 “(1) TAKING POSSESSION.—No person shall
9 purchase ammonium nitrate from an ammonium ni-
10 trate facility unless such person is registered under
11 subsection (c) or (d) of section 899B, or is an agent
12 of a person registered under subsection (c) or (d) of
13 that section.

14 “(2) TRANSFERRING POSSESSION.—An owner
15 of an ammonium nitrate facility shall not transfer
16 possession of ammonium nitrate from the ammo-
17 nium nitrate facility to any ammonium nitrate pur-
18 chaser who is not registered under subsection (c) or
19 (d) of section 899B, or to any agent acting on behalf
20 of an ammonium nitrate purchaser when such pur-
21 chaser is not registered under subsection (c) or (d)
22 of section 899B.

23 “(3) OTHER PROHIBITIONS.—No person shall—

1 “(A) purchase ammonium nitrate without
2 a registration number required under sub-
3 section (c) or (d) of section 899B;

4 “(B) own or operate an ammonium nitrate
5 facility without a registration number required
6 under section 899B(c); or

7 “(C) fail to comply with any requirement
8 or violate any other prohibition under this sub-
9 title.

10 “(b) CIVIL PENALTY.—A person that violates this
11 subtitle may be assessed a civil penalty by the Secretary
12 of not more than \$50,000 per violation.

13 “(c) PENALTY CONSIDERATIONS.—In determining
14 the amount of a civil penalty under this section, the Sec-
15 retary shall consider—

16 “(1) the nature and circumstances of the viola-
17 tion;

18 “(2) with respect to the person who commits
19 the violation, any history of prior violations, the abil-
20 ity to pay the penalty, and any effect the penalty is
21 likely to have on the ability of such person to do
22 business; and

23 “(3) any other matter that the Secretary deter-
24 mines that justice requires.

1 “(d) NOTICE AND OPPORTUNITY FOR A HEARING.—

2 No civil penalty may be assessed under this subtitle unless
3 the person liable for the penalty has been given notice and
4 an opportunity for a hearing on the violation for which
5 the penalty is to be assessed in the county, parish, or in-
6 corporated city of residence of that person.

7 “(e) DELAY IN APPLICATION OF PROHIBITION.—

8 Paragraphs (1) and (2) of subsection (a) shall apply on
9 and after the date that is 6 months after the date that
10 the Secretary issues a final rule implementing this sub-
11 title.

12 **“SEC. 899G. PROTECTION FROM CIVIL LIABILITY.**

13 “(a) IN GENERAL.—Notwithstanding any other pro-
14 vision of law, an owner of an ammonium nitrate facility
15 that in good faith refuses to sell or transfer ammonium
16 nitrate to any person, or that in good faith discloses to
17 the Department or to appropriate law enforcement au-
18 thorities an actual or attempted purchase or transfer of
19 ammonium nitrate, based upon a reasonable belief that
20 the person seeking purchase or transfer of ammonium ni-
21 trate may use the ammonium nitrate to create an explosive
22 device to be employed in an act of terrorism (as defined
23 in section 3077 of title 18, United States Code), or to use
24 ammonium nitrate for any other unlawful purpose, shall

1 not be liable in any civil action relating to that refusal
2 to sell ammonium nitrate or that disclosure.

3 “(b) REASONABLE BELIEF.—A reasonable belief that
4 a person may use ammonium nitrate to create an explosive
5 device to be employed in an act of terrorism under sub-
6 section (a) may not solely be based on the race, sex, na-
7 tional origin, creed, religion, status as a veteran, or status
8 as a member of the Armed Forces of the United States
9 of that person.

10 **“SEC. 899H. PREEMPTION OF OTHER LAWS.**

11 “(a) OTHER FEDERAL REGULATIONS.—Except as
12 provided in section 899G, nothing in this subtitle affects
13 any regulation issued by any agency other than an agency
14 of the Department.

15 “(b) STATE LAW.—Subject to section 899G, this sub-
16 title preempts the laws of any State to the extent that
17 such laws are inconsistent with this subtitle, except that
18 this subtitle shall not preempt any State law that provides
19 additional protection against the acquisition of ammonium
20 nitrate by terrorists or the use of ammonium nitrate in
21 explosives in acts of terrorism or for other illicit purposes,
22 as determined by the Secretary.

23 **“SEC. 899I. DEADLINES FOR REGULATIONS.**

24 “The Secretary—

1 “(1) shall issue a proposed rule implementing
2 this subtitle not later than 6 months after the date
3 of the enactment of this subtitle; and

4 “(2) issue a final rule implementing this sub-
5 title not later than 1 year after such date of enact-
6 ment.

7 **“SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to the Sec-
9 retary—

10 “(1) \$2,000,000 for fiscal year 2008; and

11 “(2) \$10,750,000 for each of fiscal years 2009
12 through 2012.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of such Act is amended by inserting after
15 the item relating to section 899 the following:

“Subtitle J—Secure Handling of Ammonium Nitrate

“Sec. 899A. Definitions.

“Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.

“Sec. 899C. Inspection and auditing of records.

“Sec. 899D. Administrative provisions.

“Sec. 899E. Theft reporting requirement.

“Sec. 899F. Prohibitions and penalty.

“Sec. 899G. Protection from civil liability.

“Sec. 899H. Preemption of other laws.

“Sec. 899I. Deadlines for regulations.

“Sec. 899J. Authorization of appropriations.”.

16 **SEC. 564. IMPROVEMENT OF BARRIERS AT BORDER.**

17 (a) Section 102 of the Illegal Immigration Reform and Im-
18 migrant Responsibility Act of 1996 (8 U.S.C. 1103 note)
19 is amended—

1 (1) in subsection (a), by striking “Attorney
2 General, in consultation with the Commissioner of
3 Immigration and Naturalization,” and inserting
4 “Secretary of Homeland Security”; and

5 (2) in subsection (b)—

6 (A) in the subsection heading, by striking
7 “IN THE BORDER AREA” and inserting “ALONG
8 THE BORDER”;

9 (B) in paragraph (1)—

10 (i) in the heading, by striking “SECURITY
11 FEATURES” and inserting “ADDITIONAL FENCING ALONG SOUTHWEST BOR-
12 DER”; and
13 (ii) by striking subparagraphs (A)

14 through (C) and inserting the following:

15 “(A) REINFORCED FENCING.—In carrying
16 out subsection (a), the Secretary of Homeland
17 Security shall construct reinforced fencing
18 along not less than 700 miles of the southwest
19 border where fencing would be most practical
20 and effective and provide for the installation of
21 additional physical barriers, roads, lighting,
22 cameras, and sensors to gain operational control
23 of the southwest border.
24

1 “(B) PRIORITY AREAS.—In carrying out
2 this section, the Secretary of Homeland Secu-
3 rity shall—

4 “(i) identify the 370 miles, or other
5 mileage determined by the Secretary,
6 whose authority to determine other mileage
7 shall expire on December 31, 2008, along
8 the southwest border where fencing would
9 be most practical and effective in deterring
10 smugglers and aliens attempting to gain il-
11 legal entry into the United States; and

12 “(ii) not later than December 31,
13 2008, complete construction of reinforced
14 fencing along the miles identified under
15 clause (i).

16 “(C) CONSULTATION.—

17 “(i) IN GENERAL.—In carrying out
18 this section, the Secretary of Homeland
19 Security shall consult with the Secretary of
20 the Interior, the Secretary of Agriculture,
21 States, local governments, Indian tribes,
22 and property owners in the United States
23 to minimize the impact on the environ-
24 ment, culture, commerce, and quality of
25 life for the communities and residents lo-

1 cated near the sites at which such fencing
2 is to be constructed.

3 “(ii) SAVINGS PROVISION.—Nothing
4 in this subparagraph may be construed
5 to—

6 “(I) create or negate any right of
7 action for a State, local government,
8 or other person or entity affected by
9 this subsection; or

10 “(II) affect the eminent domain
11 laws of the United States or of any
12 State.

13 “(D) LIMITATION ON REQUIREMENTS.—
14 Notwithstanding subparagraph (A), nothing in
15 this paragraph shall require the Secretary of
16 Homeland Security to install fencing, physical
17 barriers, roads, lighting, cameras, and sensors
18 in a particular location along an international
19 border of the United States, if the Secretary de-
20 termines that the use or placement of such re-
21 sources is not the most appropriate means to
22 achieve and maintain operational control over
23 the international border at such location.”; and

24 (C) in paragraph (4), by striking “to carry
25 out this subsection not to exceed \$12,000,000”

1 and inserting “such sums as may be necessary
2 to carry out this subsection”.

3 (b) No funds appropriated in this Act for U.S. Cus-
4 toms and Border Protection “Border Security Fencing,
5 Infrastructure, and Technology” may be obligated unless
6 the Secretary of Homeland Security has complied with
7 section 102(b)(2)(C)(i) of the Illegal Immigration Reform
8 and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103
9 note) as amended by subsection (a)(2).

10 SEC. 565. INTERNATIONAL REGISTERED TRAVELER
11 PROGRAM. Section 7208(k)(3) of the Intelligence Reform
12 and Terrorism Prevention Act of 2004 (8 U.S.C.
13 1365b(k)(3)) is amended to read as follows:

14 “(3) INTERNATIONAL REGISTERED TRAVELER
15 PROGRAM.—

16 “(A) IN GENERAL.—The Secretary of
17 Homeland Security shall establish an inter-
18 national registered traveler program that incor-
19 porates available technologies, such as bio-
20 metrics and e-passports, and security threat as-
21 sessments to expedite the screening and proc-
22 essing of international travelers, including
23 United States Citizens and residents, who enter
24 and exit the United States. The program shall
25 be coordinated with the United States Visitor

1 and Immigrant Status Indicator Technology
2 program, other pre-screening initiatives, and
3 the Visa Waiver Program.

4 “(B) FEES.—The Secretary may impose a
5 fee for the program established under subpara-
6 graph (A) and may modify such fee from time
7 to time. The fee may not exceed the aggregate
8 costs associated with the program and shall be
9 credited to the Department of Homeland Secu-
10 rity for purposes of carrying out the program.
11 Amounts so credited shall remain available until
12 expended.

13 “(C) RULEMAKING.—Within 365 days
14 after the date of enactment of this paragraph,
15 the Secretary shall initiate a rulemaking to es-
16 tablish the program, criteria for participation,
17 and the fee for the program.

18 “(D) IMPLEMENTATION.—Not later than 2
19 years after the date of enactment of this para-
20 graph, the Secretary shall establish a phased-
21 implementation of a biometric-based inter-
22 national registered traveler program in conjunc-
23 tion with the United States Visitor and Imm-
24 grant Status Indicator Technology entry and
25 exit system, other pre-screening initiatives, and

1 the Visa Waiver Program at United States air-
2 ports with the highest volume of international
3 travelers.

4 “(E) PARTICIPATION.—The Secretary shall
5 ensure that the international registered traveler
6 program includes as many participants as prac-
7 ticable by—

8 “(i) establishing a reasonable cost of
9 enrollment;

10 “(ii) making program enrollment con-
11 venient and easily accessible; and

12 “(iii) providing applicants with clear
13 and consistent eligibility guidelines.”.

14 SEC. 566. SHARED BORDER MANAGEMENT. (a)
15 STUDY.—The Comptroller General of the United States
16 shall conduct a study on the Department of Homeland Se-
17 curity’s use of shared border management to secure the
18 international borders of the United States.

19 (b) REPORT.—The Comptroller General shall submit
20 a report to Congress that describes—

21 (1) any negotiations, plans, or designs con-
22 ducted by officials of the Department of Homeland
23 Security regarding the practice of shared border
24 management; and

1 (2) the factors required to be in place for
2 shared border management to be successful.

3 SEC. 567. None of the funds made available in this
4 Act may be used for planning, testing, piloting, or devel-
5 oping a national identification card.

6 SEC. 568. TRANSPORTATION SECURITY ADMINISTRA-
7 TION ACQUISITION MANAGEMENT POLICY. (a) IN GEN-
8 ERAL.—Section 114 of title 49, United States Code, is
9 amended by striking subsection (o) and redesignating sub-
10 sections (p) through (t) as subsections (o) through (s), re-
11 spectively.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall take effect 180 days after the date
14 of enactment of this Act.

15 SEC. 569. (a) Notwithstanding any other provision
16 of this Act, except as provided in subsection (b), and 30
17 days after the date that the President determines whether
18 to declare a major disaster because of an event and any
19 appeal is completed, the Administrator shall submit to the
20 Committee on Homeland Security and Governmental Af-
21 fairs of the Senate, the Committee on Homeland Security
22 of the House of Representatives, the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives, the Committees on Appropriations of the Senate and
25 the House of Representatives, and publish on the website

1 of the Federal Emergency Management Agency, a report
2 regarding that decision, which shall summarize damage
3 assessment information used to determine whether to de-
4 clare a major disaster.

5 (b) The Administrator may redact from a report
6 under subsection (a) any data that the Administrator de-
7 termines would compromise national security.

8 (c) In this section—

9 (1) the term “Administrator” means the Ad-
10 ministrator of the Federal Emergency Management
11 Agency; and

12 (2) the term “major disaster” has the meaning
13 given that term in section 102 of the Robert T.
14 Stafford Disaster Relief and Emergency Assistance
15 Act (42 U.S.C. 5122).

16 SEC. 570. If the Secretary of Homeland Security es-
17 tablishes a National Transportation Security Center of
18 Excellence to conduct research and education activities,
19 and to develop or provide professional security training,
20 including the training of transportation employees and
21 transportation professionals, the Mineta Transportation
22 Institute at San Jose State University may be included
23 as a member institution of such Center.

24 SEC. 571. Effective no later than ninety days after
25 the date of enactment of this Act, the Transportation Se-

1 curity Administration shall permit approved members of
2 Registered Traveler programs to satisfy fully the required
3 identity verification procedures at security screening
4 checkpoints by presenting a biometrically-secure Reg-
5 istered Traveler card in lieu of the government-issued
6 photo identification document required of non-partici-
7 pants: *Provided*, That if their identity is not confirmed
8 biometrically, the standard identity and screening proce-
9 dures will apply: *Provided further*, That if the Assistant
10 Secretary (Transportation Security Administration) deter-
11 mines this is a threat to civil aviation, then the Assistant
12 Secretary (Transportation Security Administration) shall
13 notify the Committees on Appropriations of the Senate
14 and House of Representatives five days in advance of such
15 determination and require Registered Travelers to present
16 government-issued photo identification documents in con-
17 junction with a biometrically-secure Registered Traveler
18 card.

19 SEC. 572. Section 831(a) of the Homeland Security
20 Act of 2002 (6 U.S.C. 391(a)) is amended by striking
21 “During the 5-year period following the effective date of
22 this Act” and inserting “Until September 30, 2008”.

23 SEC. 573. (a) RESCISSION.—Of amounts previously
24 made available from Federal Emergency Management
25 Agency “Disaster Relief” to the State of Mississippi pur-

1 suant to section 404 of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42 U.S.C. 5170c)
3 for Hurricane Katrina, \$20,000,000 are rescinded.

4 (b) APPROPRIATION.—For Federal Emergency Man-
5 agement Agency “State and Local Programs”, there is ap-
6 propriated an additional \$20,000,000, to remain available
7 until expended, for a grant to the State of Mississippi for
8 an interoperable communications system required in the
9 aftermath of Hurricane Katrina: *Provided*, That this en-
10 tire amount is designated as described in section 5 (in the
11 matter preceding division A of this consolidated Act).

12 TITLE VI

13 BORDER INFRASTRUCTURE AND TECHNOLOGY

14 MODERNIZATION

15 SEC. 601. SHORT TITLE.

16 This title may be cited as the “Border Infrastructure
17 and Technology Modernization Act of 2007”.

18 SEC. 602. DEFINITIONS.—In this title:

19 (1) COMMISSIONER.—The term “Commis-
20 sioner” means the Commissioner of U.S. Customs
21 and Border Protection of the Department of Home-
22 land Security.

23 (2) MAQUILADORA.—The term “maquiladora”
24 means an entity located in Mexico that assembles

1 and produces goods from imported parts for export
2 to the United States.

3 (3) NORTHERN BORDER.—The term “northern
4 border” means the international border between the
5 United States and Canada.

6 (4) SECRETARY.—The term “Secretary” means
7 the Secretary of the Department of Homeland Secu-
8 rity.

9 (5) SOUTHERN BORDER.—The term “southern
10 border” means the international border between the
11 United States and Mexico.

12 SEC. 603. PORT OF ENTRY INFRASTRUCTURE AS-
13 SESSMENT STUDY.—(a) REQUIREMENT TO UPDATE.—
14 Not later than January 31 of every other year, the Com-
15 missioner, in consultation with the Administrator of Gen-
16 eral Services shall—

17 (1) review—

18 (A) the Port of Entry Infrastructure As-
19 sessment Study prepared by the United States
20 Customs Service, the Immigration and Natu-
21 ralization Service, and the General Services Ad-
22 ministration in accordance with the matter re-
23 lating to the ports of entry infrastructure as-
24 sessment set forth in the joint explanatory

1 statement on page 67 of conference report 106–
2 319, accompanying Public Law 106–58; and

3 (B) the nationwide strategy to prioritize
4 and address the infrastructure needs at the
5 land ports of entry prepared by the Department
6 of Homeland Security and the General Services
7 Administration in accordance with the com-
8 mittee recommendations on page 22 of Senate
9 report 108–86, accompanying Public Law 108–
10 90;

11 (2) update the assessment of the infrastructure
12 needs of all United States land ports of entry; and

13 (3) submit an updated assessment of land port
14 of entry infrastructure needs to the Committees on
15 Appropriations of the Senate and the House of Rep-
16 resentatives, the Senate Committee on Environment
17 and Public Works, the Senate Committee on Home-
18 land Security and Governmental Affairs, the House
19 Committee on Transportation and Infrastructure,
20 and the House Committee on Homeland Security.

21 (b) CONSULTATION.—In preparing the updated stud-
22 ies required under subsection (a), the Commissioner and
23 the Administrator of General Services shall consult with
24 the Director of the Office of Management and Budget, the

1 Secretary, and affected State and local agencies on the
2 northern and southern borders of the United States.

3 (c) CONTENT.—Each updated study required in sub-
4 section (a) shall—

5 (1) identify port of entry infrastructure and
6 technology improvement projects that would enhance
7 border security and facilitate the flow of legitimate
8 commerce if implemented;

9 (2) include the projects identified in the Na-
10 tional Land Border Security Plan required by sec-
11 tion 604; and

12 (3) prioritize the projects described in para-
13 graphs (1) and (2) based on the ability of a
14 project—

15 (A) to enhance the ability of U.S. Customs
16 and Border Protection to achieve its mission
17 and to support operations;

18 (B) to fulfill security requirements; and

19 (C) facilitate trade across the borders of
20 the United States.

21 (d) PROJECT IMPLEMENTATION.—The Commis-
22 sioner, as appropriate, shall—

23 (1) implement the infrastructure and tech-
24 nology improvement projects described in subsection

1 (c) in the order of priority assigned to each project
2 under subsection (c)(3); or

3 (2) forward the prioritized list of infrastructure
4 and technology improvement projects to the Admin-
5 istrator of General Services for implementation in
6 the order of priority assigned to each project under
7 subsection (c)(3).

8 (e) DIVERGENCE FROM PRIORITIES.—The Commis-
9 sioner may diverge from the priority order if the Commis-
10 sioner determines that significantly changed cir-
11 cumstances, including immediate security needs, changes
12 in infrastructure in Mexico or Canada, or similar concerns,
13 compellingly alter the need for a project in the United
14 States.

15 SEC. 604. NATIONAL LAND BORDER SECURITY
16 PLAN. (a) REQUIREMENT FOR PLAN.—Not later than
17 January 31 of every other year, the Secretary, acting
18 through the Commissioner, shall prepare a National Land
19 Border Security Plan and submit such plan to the Com-
20 mittees on Appropriations of the Senate and the House
21 of Representatives, the Senate Committee on Environment
22 and Public Works, the Senate Committee on Homeland
23 Security and Governmental Affairs, the Senate Committee
24 on the Judiciary, the House Committee on Transportation

1 and Infrastructure, the House Committee on Homeland
2 Security, and the House Committee on the Judiciary.

3 (b) CONSULTATION.—In preparing the plan required
4 under subsection (a), the Commissioner shall consult with
5 other appropriate Federal agencies, State and local law
6 enforcement agencies, and private entities that are in-
7 volved in international trade across the northern or south-
8 ern border.

9 (c) VULNERABILITY ASSESSMENT.—

10 (1) IN GENERAL.—The plan required under
11 subsection (a) shall include a vulnerability, risk, and
12 threat assessment of each port of entry located on
13 the northern border or the southern border.

14 (2) PORT SECURITY COORDINATORS.—The Sec-
15 retary, acting through the Commissioner, may estab-
16 lish one or more port security coordinators at each
17 port of entry located on the northern border or the
18 southern border—

19 (A) to assist in conducting a vulnerability
20 assessment at such port; and

21 (B) to provide other assistance with the
22 preparation of the plan required under sub-
23 section (a).

24 (d) COORDINATION WITH THE SECURE BORDER INI-
25 TIATIVE.—The plan required under subsection (a) shall

1 include a description of activities undertaken during the
2 previous year as part of the Secure Border Initiative and
3 actions planned for the coming year as part of the Secure
4 Border Initiative.

5 SEC. 605. PORT OF ENTRY TECHNOLOGY DEM-
6 ONSTRATION PROGRAM. (a) ESTABLISHMENT.—The Sec-
7 retary, acting through the Commissioner, shall carry out
8 a technology demonstration program to test and evaluate
9 new port of entry technologies, refine port of entry tech-
10 nologies and operational concepts, and train personnel
11 under realistic conditions.

12 (b) TECHNOLOGY TESTED.—Under the demonstra-
13 tion program, the Commissioner shall test technologies
14 that enhance port of entry operations, including those re-
15 lated to inspections, communications, port tracking, iden-
16 tification of persons and cargo, sensory devices, personal
17 detection, decision support, and the detection and identi-
18 fication of weapons of mass destruction.

19 (c) DEMONSTRATION SITES.—

20 (1) NUMBER.—The Commissioner shall carry
21 out the demonstration program at not less than
22 three sites and not more than five sites.

23 (2) LOCATION.—Of the sites selected under
24 subsection (c)—

1 (A) at least one shall be located on the
2 northern border of the United States; and

3 (B) at least one shall be located on the
4 southern border of the United States.

5 (3) SELECTION CRITERIA.—To ensure that one
6 of the facilities selected as a port of entry dem-
7 onstration site for the demonstration program has
8 the most up-to-date design, contains sufficient space
9 to conduct the demonstration program, has a traffic
10 volume low enough to easily incorporate new tech-
11 nologies without interrupting normal processing ac-
12 tivity, and can efficiently carry out demonstration
13 and port of entry operations, one port of entry se-
14 lected as a demonstration site may—

15 (A) have been established not more than
16 15 years before the date of the enactment of
17 this Act;

18 (B) consist of not less than 65 acres, with
19 the possibility of expansion onto not less than
20 25 adjacent acres; and

21 (C) have serviced an average of not more
22 than 50,000 vehicles per month during the 12
23 months preceding the date of the enactment of
24 this Act.

1 (d) RELATIONSHIP WITH OTHER AGENCIES.—The
2 Secretary, acting through the Commissioner, shall permit
3 personnel from appropriate Federal agencies to utilize a
4 demonstration site described in subsection (c) to test tech-
5 nologies that enhance port of entry operations, including
6 those related to inspections, communications, port track-
7 ing, identification of persons and cargo, sensory devices,
8 personal detection, decision support, and the detection and
9 identification of weapons of mass destruction.

10 (e) REPORT.—

11 (1) REQUIREMENT.—Not later than 1 year
12 after the date of the enactment of this Act, and an-
13 nually thereafter, the Secretary shall submit to the
14 Committees on Appropriations of the Senate and the
15 House of Representatives, the Senate Committee on
16 Environment and Public Works, the Senate Com-
17 mittee on Homeland Security and Governmental Af-
18 fairs, the House Committee on Transportation and
19 Infrastructure, and the House Committee on Home-
20 land Security a report on the activities carried out
21 at each demonstration site under the technology
22 demonstration program established under this sec-
23 tion.

24 (2) CONTENT.—The report shall include an as-
25 sessment by the Commissioner of the feasibility of

1 incorporating any demonstrated technology for use
2 throughout U.S. Customs and Border Protection.

3 SEC. 606. AUTHORIZATION OF APPROPRIATIONS. (a)
4 IN GENERAL.—In addition to any funds otherwise avail-
5 able, there are authorized to be appropriated such sums
6 as may be necessary to carry out this title for fiscal years
7 2009 through 2013.

8 (b) INTERNATIONAL AGREEMENTS.—Funds author-
9 ized to be appropriated under this title may be used for
10 the implementation of projects described in the Declara-
11 tion on Embracing Technology and Cooperation to Pro-
12 mote the Secure and Efficient Flow of People and Com-
13 merce across our Shared Border between the United
14 States and Mexico, agreed to March 22, 2002, Monterrey,
15 Mexico (commonly known as the Border Partnership Ac-
16 tion Plan) or the Smart Border Declaration between the
17 United States and Canada, agreed to December 12, 2001,
18 Ottawa, Canada that are consistent with the provisions of
19 this title.

20 This division may be cited as the “Department of
21 Homeland Security Appropriations Act, 2008”.